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BACKGROUND



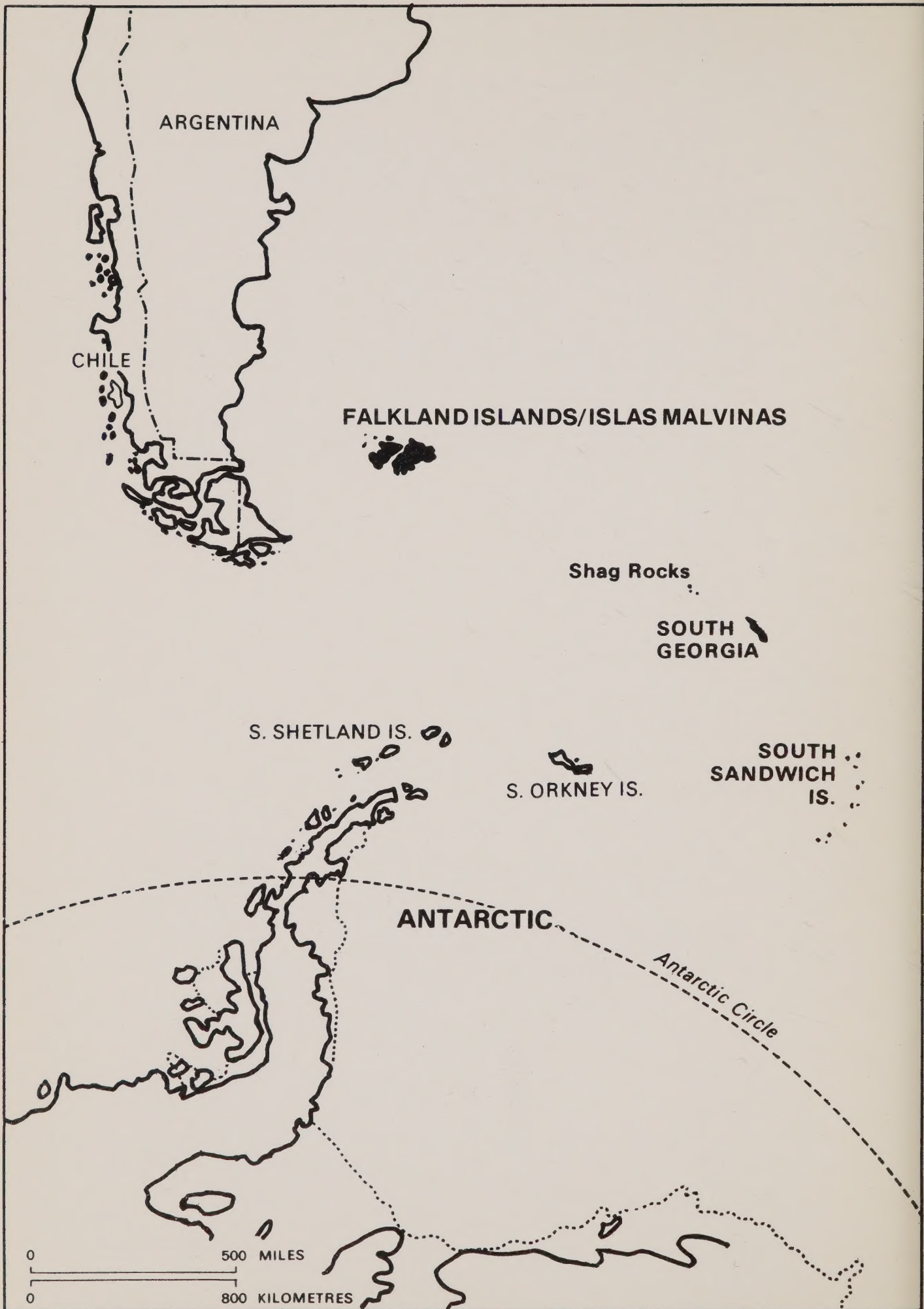
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INFORMATION

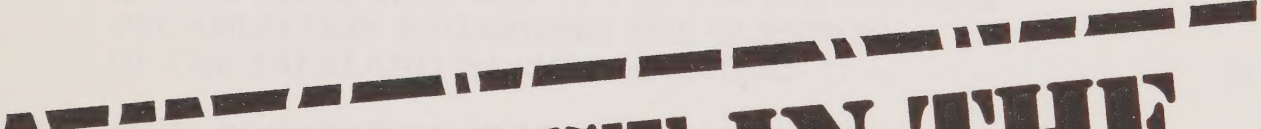
**Documents on the
Falklands / Malvinas Crisis**

**CONFLICT IN THE
SOUTH
ATLANTIC**

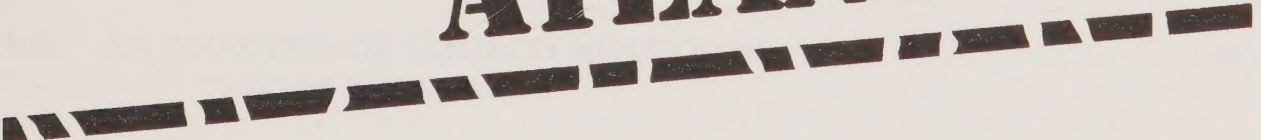
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Documents on the Falklands / Malvinas Crisis




CONFLICT IN THE SOUTH ATLANTIC



**Commission of the Churches on International Affairs
World Council of Churches**

1983



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DIRECTOR'S INTRODUCTION

The question may be asked why one more publication on the Falklands/Malvinas? In a way no conflict has been in recent times analysed to such an extent in so short a time from the political, strategic, defence and even ethical points of view. There is evidence that the implications of the conflict have been the subject of thorough analysis from the military and geopolitical angles not only by the two countries directly involved but by many others including the USA, the USSR, France and South Africa. In the United Kingdom more than thirty books and in Argentina at least fifteen books have been published on the subject. This is in addition to the thousands of articles which have appeared in newspapers and journals.

Yet it is a fact that before the beginning of 1982 there was very little material or background information available on the Falklands/Malvinas except to those with specialized interest. Few British people had even heard of the Falklands, precisely because they did not represent a vital strategic or economic interest for the country. On the other hand, every Argentinian school child had been taught how the British had forcibly taken the Malvinas and Argentina's regaining of the islands has been a point of national pride for generations. It had been a dormant conflict, unknown by most, forgotten by many. Then it erupted into a war in which planes, helicopters and missiles many never deployed in combat before, were thrown into a battle testing them to the limits of their capability. More than 1,000 men lost their lives.

It was a horrifying war, as all wars are. But it was a peculiarly unnecessary one; "absurd" and "ridiculous" are terms used to describe it. The misjudgements made both in London and Buenos Aires in the weeks that preceded it reflect not only on the leadership of both countries but on the institutions set up to prevent such a thing occurring.

Signals on both sides were misread or ignored. Institutions and governments which played the mediatory role also failed to interpret them properly. A Committee appointed by the British Government (under Lord Franks) to review "the way in which the responsibilities of the Government in relation to the Falkland Islands... were discharged in the period leading up... to the Argentine invasion", "acquitted" the British Government of any blame in the matter. But, as the *Sunday Times* in an editorial said "this acquittal comes at the end of the chapter which previously includes a formidable list of prevarications, delays and lapses in judgement."

An assessment of the state of the negotiations with Argentina, presented by Lord Carrington (Foreign Secretary) in October 1979 said that "if Argentina concluded that there was no prospect of real progress towards a negotiated transfer of sovereignty there would be a high risk of resorting to more forceful measures including direct military action." In July 1981, six months after the attempt to "sell" the idea of a leaseback solution had been forcefully rejected, a follow-up assessment repeated that Argentina was still as

determined as ever to extend its sovereignty but that it "would turn to forcible action only as a last resort and that the overriding perception would be Argentina's perception of the British Government's willingness to negotiate genuinely about, and eventually to transfer, sovereignty." The report warned, that a full-scale invasion of the Falkland Islands could not be ruled out. By about February 1982, a senior Foreign Office official was warning, that, since the leaseback proposal was effectively dead "we are left with no alternative way to prevent the dispute moving sooner or later to open confrontation." Whatever the diplomats were saying, their political masters were not listening.

The misjudgement on the British side was surpassed only by that on the Argentinian side. During 1981 the Argentinian army began to shift its foreign policy into close alignment with that of the USA and the "Western and Christian world", encouraged by Reagan's ascendancy to power and his wish to restore good relations with the junta. President Galtieri offered the USA substantial support for its policies in Central America. It is likely that Galtieri assumed that its ally would not oppose an attempt to recover the Malvinas. This of course was a misjudgement. The Argentinian junta also miscalculated the British reaction. Throughout the whole period of diplomatic exchange between the two capitals not once does Britain appear to have said to Argentina, "If you invade we will take action." Argentina probably thought that Britain would not embark on a war 6,000 miles away from its shores. In fact there were indications, like the withdrawal of "HMS Endurance", the only British naval presence in the South Atlantic, which could be taken as signs to Argentina of a reduction on Britain's commitment to the Falklands.

When did Argentina plan the invasion? According to an article published in the magazine *Estrategia* (Strategy) by retired General Juan Guglielmelli, the invasion was planned three months in advance and was based on the assumption that Britain would make no serious attempt to recapture them. At first the invasion plan was an option for use only if Argentine efforts to speed up negotiations on the islands' future bore no immediate fruit, according to the General, who is former Director of Argentina's War College and Institute of Higher Military Studies. But lack of progress in a round of Anglo-Argentinian talks at the United Nations in February 1982 reaffirmed the government's decision to go ahead with a military seizure of the islands. These assertions are of course at odds with the findings of the Franks Committee which concluded that the British government was not to be blamed for having failed to foresee it and that the invasion was planned only a few days prior to the actual occupation of the islands.

There is no doubt that the Argentinian military action was closely linked to the country's "profound internal political and economic crisis". It was guaranteed to be immensely popular. Two days before the invasion, 10,000 people had demonstrated against the government, over 1,000 people were arrested and at least one person killed. On 6 April shortly after the invasion an estimated quarter of a million people rallied in the streets of Buenos Aires in support of the occupation. However, very soon people began to make a clear distinction between support for the occupation and support for the military government.

The trauma of the military defeat began to strengthen the democratic aspirations of the Argentinian people and set in motion a process that is bound to change the course of Argentina's history. However, it should not be forgotten that this has led to further militarization of the country and an arms expenditure that will further imperil the economy.

Reuters reported on 3 February 1983, "Argentina is swiftly rearming after its defeat in the Falklands/Malvinas conflict six months ago and the air force's depleted fighter squadrons are already back to full strength. Diplomatic and arms trade sources say Argentina has taken delivery of about 54 Mirage-III fighter-bombers in recent months, to replace a similar number of Mirages and A-4 Skyhawks shot down during the brief war with Britain. Peru has sold its close ally 10 Mirages, and the rest have been supplied by Israel, which manufacture the aircraft under licence from France. The latest batch of 19 Mirages arrived from Israel in December along with a consignment of weaponry for the planes supplied by France. Argentina's arms purchasing campaign goes much further than simply replacing equipment lost in the fighting. Battle experience revealed crucial gaps in Argentine defence capacity and military commanders are determined to buy large amounts of sophisticated new equipment to make good this deficiency... France has emerged as one of Argentina's main arms suppliers since the Falklands conflict, especially of aircraft. Last November it delivered nine more super Etendard naval attack aircraft to the Argentine fleet, together with the complement of Exocet missiles."

The South Atlantic conflict has shown the frightening intensity of modern warfare with qualitatively new conventional weapons. The clash among these weapons originating in the same factories is a telling commentary on the dangerous and cynical game in the arms race.

On the British side also the lessons learned lead to more and newer weapons. The Defence Ministry's White Paper (*The Falklands Campaign: The Lessons*, December 1982) says "We have learned a great deal from the Falklands Campaign. The Armed Forces have demonstrated their capability to operate out of the NATO area in the most difficult circumstances and on the other side of the world." It adds "We shall maintain a sizeable garrison on the Falkland Islands for the foreseeable future including air defence radars, RAF Phantom, Harrier and Hercules aircraft, Chinook and Sea King helicopters, Rapier defence systems, an infantry battalion, and supporting arms. Nuclear powered submarines, destroyers, frigates, Sea King helicopters and patrol craft with afloat support will be deployed in the South Atlantic and the ice patrol ship, HMS Endurance will be retained for service there. These forces can be reinforced as necessary by others already identified for this purpose and we shall periodically mount exercises to test our own reinforcement capability." The White Paper concludes "Following the Falklands Campaign we shall now be devoting substantially more resources to defence than had been previously planned."

In the USA, the Defence Secretary, Mr. Caspar Weinberger, in his annual message to the Congress on the *Status of US Forces*, said there were lessons to be learned from the war but cautioned against reading too much into them. In a comment that reflected the Reagan administration's declared determination to build up US military forces, Mr. Weinberger said "One larger lesson of the war in the Falklands should not be lost. We have been taught again that an adequate deterrent is far less costly than a war the failure to deter might cause." His remarks accompanied a 238.6 billion dollar 1984 defence budget to combat what he called the growing Soviet challenge. He then went on to draw further lessons from the two successful conflicts of US allies, Great Britain and Israel. These included early warning of air attack, ability to charter and convert commercial ships for military use and the decisiveness of high technology weapons.

Apparently no lessons for peace have been learned from the conflict. The only lesson seems to be in terms of the tremendous increase in military expenditures of several countries and a new spurt in international arms trade and transfer.

This is profoundly disturbing, especially when one takes into account that this, as already pointed out, was a peculiarly unnecessary war. James Callaghan, former Labour Prime Minister of Great Britain, during debate on the Franks Committee report stated "Does it not really come to this, all parties for many years, including the Prime Minister's Government, have been prepared to give up sovereignty of the Falkland Islands provided we could get a substantial period of leaseback and the Prime Minister was committed to that until March last year. Therefore all governments were determined not to desert the Falkland Islands because they thought it would be unacceptable. And all governments thought the worst of all possible policies and the one that might be unsustainable in the long run and undesirable in the short run was a Fortress Falklands policy." He asked "Is not the result of the government's handling of this matter during the last 12 months that what we have been presented with a short-term military victory and a long-term political retreat and dead-end?" The stupidity of the war was succinctly described by Jorge Luis Borges, grand old man of Argentine letters. "The Malvinas incident was a quarrel between two bald men about a comb", he wrote in the weekly magazine *La Semana*.

What are the lessons that could be learned for peace? There are many. First and foremost, dormant conflicts should not be ignored and conflicts which have the potentiality of escalation deserve continuous monitoring. There has been a failure of early warning systems in the Falklands/Malvinas conflict, and the international community including the ecumenical movement, should take its portion of the blame.

All avenues of peaceful resolution of conflicts should be explored. This means strengthening of mechanisms and institutions available for such resolution. Here the role of the United Nations deserves special mention and merits some analysis in this particular instance.

In September 1964, Argentina finally reasserted its claim to the Malvinas before the United Nations Committee on Decolonisation. Though Britain challenged the Committee's competence to take up this issue (arguing that it was a territorial rather than a colonial dispute) the following year, the UN General Assembly adopted Resolution 2065 (XX) which invited Britain and Argentina to enter into negotiations to obtain a peaceful settlement of their differences. The resolution was a victory for Argentina. It affirmed that the dispute in fact was based on a colonial claim. It did not concede the British argument that wishes of the islanders should be paramount in any negotiations. It simply urged that their "interests" be safeguarded in whatever agreement was reached.

Such negotiations began and did continue till February 1982. They were punctuated by a series of diplomatic incidents, military encounters and warnings of invasion. Faced with the refusal by the Falklands Islanders themselves to contemplate any change in their status, Britain engaged in the sort of "diplomatic footdragging" that enraged and frustrated their Argentine counterparts. The *Sunday Times* pointed out "For years the pressures of the small and noisy Falklands lobby and its supporters have mesmerized governments and parliaments into a state of inertia and refusal to face up to unpleasant facts."

Within the United Nations between 1965 and 1982 on two occasions the General Assembly (in 1973 and in 1976) was “gravely concerned” about the Falklands/Malvinas and asked the governments of Great Britain and Argentina to “accelerate” and “expedite” the negotiations. Beyond this, there is not much to show that the UN was actively exercised about the matter until in April 1982 the dispute burst into the face of the first Latin American Secretary General of the United Nations. The UN machinery then came into full swing but was overshadowed by the shuttle diplomacy of the US Secretary of State which rather than help to resolve the conflict exposed the ambivalence and differences among policy makers in the USA. When the Haig mission failed the US fully backed Great Britain shaking badly US relations with Latin America. Two resolutions were adopted by the Security Council on 3 April and 26 May 1982. Resolution 502 (1982) adopted by the Security Council on 3 April demanded “an immediate cessation of hostilities” and “an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas)” and called “on the Governments of Argentina and United Kingdom to seek a diplomatic solution to their differences.” The Resolution 505 adopted on 26 May requested the Secretary General to undertake a renewed mission of good offices and “to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire.” Five months after the cessation of hostilities, the General Assembly of the UN adopted a resolution on the *Question of the Falkland Islands (Malvinas)*, “aware that the maintenance of colonial situations is incompatible with the UN ideal for universal peace”, requesting the governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas). While this resolution received the support of the USA, Britain has refused to accept it and declared that there would be no negotiations.

The attitude of organized peace movements in Western Europe to the war in the South Atlantic is worth examining. The whole of Western Europe stood behind Great Britain. Sanctions which were considered to be ineffective and inadvisable in the case of flagrant violations of international laws by countries like Israel and South Africa, were imposed with readiness and rapidity. Yet on the whole, Western peace movements kept silent.

It did not take even a few days for the British government and the media to create what might be called a war hysteria in the country in the name of national pride and honour. The peace movements appeared to be paralyzed. This brought to the fore the limitations in Western peace movements like preoccupation with nuclear disarmament, the inability to link issues of the North and the South and the lack of proper attention to local conflicts that might erupt into regional or global wars even of nuclear proportions. In Argentina, similar emotions were whipped up by a particularly nasty regime with an appalling record of inhumanity towards its own citizens.

The war came as a major dilemma for the churches in Great Britain and Argentina. It came at a time of renewed debate in the churches and in the ecumenical movement on war and peace and on traditional approaches to the issues raised by them. At a time when the “just war” doctrine was under tremendous attack, some church leaders appeared to defend the war on such grounds. When peace making was being placed high on the agenda of the churches the inability to de-escalate a relatively minor conflict underlined the enormity of the challenges confronting them. For the ecumenical movement, and especially the World Council of Churches, this was a reminder that while we do, sometimes effectively, respond to crisis situations we have not deployed resources for a long-

term ministry of reconciliation and peace-making in emerging or potential conflicts, even when our attention is drawn to them and we are told we may be of some assistance.

Of significance in this respect is the voice of the churches in Argentina and in Great Britain. Conscious that they belong to a fellowship that transcends national boundaries and one with common loyalties, in general they have been able to be critical of the policies of their nations. A note on church reactions and a selection of church statements is included in this dossier.

The basic issues of the conflict remain unresolved. The General Secretary of the WCC in a statement to the Central Committee in July 1982 said "We want to assure the churches in Argentina and Great Britain that the WCC will be prepared to render all possible assistance to them in this matter and to support their efforts for finding a just and peaceful solution to the issues involved."

This volume is intended as a modest contribution towards all such efforts by providing a ready reference to some basic and important documentation on the subject and thus in a way distinct from the many publications referred to earlier. We have included in this volume the official positions of the two governments, a commentary by the International Commission of Jurists, texts of UN resolutions on the subject, a selection of church statements, an excerpt from a background paper of the British Council of Churches, an article by Dr. Julio Barreiro, a CCIA Commissioner, and the text of the sermon preached by the Archbishop of Canterbury at the Falkland Islands Service in St. Paul's Cathedral.

Geneva, May 1983

*Ninan Koshy
Director*

I. OFFICIAL POSITION OF THE GOVERNMENT OF ARGENTINA

THE RIGHT OF THE REPUBLIC OF ARGENTINA TO THE MALVINAS AND THE SOUTH ATLANTIC ISLANDS

The Grain Exchange of Buenos Aires, as the oldest business organization of the Republic of Argentina, and relative to the events which are widely known, addresses the international community with the object of revealing the genuine reasons which, by fact and right, support the government action carried out with regard to the recovery of the Malvinas and Southern Georgias and Sandwich Islands, for which purpose, proposes the reading of this present report.

I) BEFORE INDEPENDENCE

1) Discovery and Jurisdiction

Convincing data allow us to assign the discovery of the archipelago to the Spanish ship “San Antón” in 1520, commanded by Esteban Gómez, a member of the Magellan expedition. Precisely, with the abbreviated and slightly modified name of “Islas Sansón” (Samson Islands), they appear in several Spanish maps between 1522 and 1590, as well as in the map by the Italian Agnese, who in 1536 indicated Magellan’s route.

In accordance with the Law of the time, the discovery had to be perfected by occupation, although for the islands’ case the exception to the rule was admitted. Therefore, in view of the material impossibility of performing possessory acts in each one of those forming the archipelago, Captain Sarmiento De Gamboa, in 1580, took possession, as from the mouth of the Magellan Strait, of the firm land, *adjoining islands*, and “ocean seas”, consolidating this statement by installing a permanent facility in the Strait in 1584.

It is to be noted that prior to the discovery, both Papal bulls and the treaties of Portugal acknowledged the exclusive domain of Spain over the whole southern part of America and the Atlantic, except the northern area of Brazil.

Dutch seamen, during the following century, inspected and made survey maps of the island, and it was due to the spreading of the map being made in 1619 by the seaman of that nationality, Sebald de Weert, that those islands changed their original name for “Islas Sebaldinas”. Also, Dutchmen Schouten and Le Maire travelled the archipelago and detailed its features.

It is well-known that by this time the British were devoted to the colonization of North America. It is significant to remark that the islands are not shown in the circumnavigation trips which reflected the courses of the corsairs Francis Drake and Thomas Cavendish, whereas they repeatedly appear in the Spanish navigation charts since back over half a century.

In a conceited way, just in 1592, “discovery” is pretended to be assigned to John Davis and in 1594 to Richard Hawkins, to the extent that the chronicle of the former is so confusing and contradictory with respect to data being provided that he proves that this product of his imagination had, as an object, justifying the abandonment of his Chief Cavendish, assigning to himself the discovery of new territories. As far as Hawkins is concerned, his chronicle was published in 1622, twenty five years after his trip, and several British reviewers have disqualified him : one of these — Commander Chambers — points out that he got confused with the patagonian coast as he erroneously describes the islands as having green vegetation, with big rivers, of a mild climate and inhabited.

Needless to say that by that time, the Malvinas islands were already well specified by the Spanish maps and Dutch narrations.

It should be known that in 1749 the British Admiralty, interested in truly knowing the South Atlantic waters, reported to the Spanish Government that it was planning to explore it, but “with no intention of establishing a colony”, of which it had to desist as it was an area which — exclusively — belonged to the Kingdom of Castile, which firmly rejected the British ambition. However, in 1684, corsair William Danpier raided into the islands on his own, and in 1690 John Strong assigned the name of “Falkland Sound” to the strait dividing the two major territories.

2) The Occupation

The first ones to settle in the archipelago were the French. In 1764, the famous Louis Antoine de Bougainville founded an establishment in one of the two major islands, naming it “Port Louis” in homage to his sovereign. As most of the settlers came from the port of Saint Maló, in Brittany, since then, the islands took the new name of “Malouines”. Being Spain aware of that intrusion, it posed the corresponding claim. Acknowledging its right, in 1767 Bougainville proceeded to the delivery of the establishment receiving a compensation for the physical facilities he was leaving. Since then, former “Port Louis” was called “Puerto Soledad” by the Spanish.

One year after the French settling, in 1765, the British Commodore Byron, disembarked in another remote place of the archipelago and took possession of the same in behalf of the United Kingdom. One year later, Captain Mac Bride was sent by the Government of London to settle down a British population in such place, which received the name of “Port Egmont”.

Such event, because of the distance, remained unnoticed for some time, but when Spain confirmed that its jurisdiction had been violated, in nonobservance of former agreements and its rights, claimed as in the case of France. But this time, the dispute had a conciliatory result, and in view of the British refusal to leave “Port Egmont”, the Spanish Crown ordered the use of the force. The Governor of Buenos Aires, Bucarelli, sent off a fleet under the command of Captain Juan Antonio Madariaga, who on June 10, 1770, attacked and conquered the British settling.

This episode was about to start a war, but the mediation of the King of France, Louis XV, allowed to arrive to a compromise: the Government of London communicated the Spanish Ambassador in that Capital City that if the resettling of its citizens was allowed, the place would be voluntarily cleared on a later date. This way of saving the honour of the British flag — possibly to avoid criticism in Parliament — was orally transmitted to the Spanish diplomat, Prince of Masserano, who reported it to the Court in Madrid. As a matter of fact, the British returned to Malvinas in October 1771, but not without advising that “the promise which His Catholic Majesty makes of restoring to Her British Majesty the possession of Egmont fort and port does not impair, in any way whatsoever, the question of former sovereignty Law of the Malvinas Islands, named by the other name of Falkland”, as it was made known to its Ambassador.

Confirming what is known with the designation of “secret promise”, the British definitively evacuated the archipelago leaving “Port Egmont” at their free will in 1774.

The effective British occupation had been limited only to that place and lasted few years: the rights alleged by Spain over the whole archipelago were never objected, nor the acknowledgement on the side of France. But before departing in 1774, they left a plaque letting everyone know that the United Kingdom Government held its pretension; now comprising all the islands. Such plaque was later removed by the Spanish and taken to Buenos Aires, from where it was recovered by the British in 1806, on the occasion of their first failure to conquer the Capital City of the River Plate.

3) The Spanish Possession

In view of the interest demonstrated by those two powers, the Spanish Crown decided to settle a permanent garrison in the Malvinas islands, which was located in Port Soledad (former Port Louis). There, a naval station was created, being also turned into a prison, and where several Spanish military Chiefs followed one another in its command.

In 1811, its personnel was withdrawn bound for Montevideo as the American emancipating movement had broken out, and the Argentine troops had initiated the siege to that city, to which Spain wanted to reinforce with the contingent brought from the islands, these remaining without any authority at all.

II) THE ARGENTINE RIGHTS

4) Spain's Succession

In 1816, the Argentine Independence from Spain being formally declared, the new Republic integrated itself with the territories of its mother country in virtue of the right of “State succession”, which determined that, with its new authorities, the whole extension of the former Viceroyalty of the River Plate came to constitute the United Provinces of the River Plate.

5) The Argentine Taking of Possession

After the war had finished inside the present Argentine territory, in 1820, San Martín departed from Chile to liberate Peru. In November of that same year the war frigate “Heroína”, from the Buenos Aires fleet, under the command of the Navy Colonel Jewett, officially took possession of the Malvinas Islands in behalf of the “Supreme Govern-

ment of the United Provinces”, rising the Argentine flag accompanied by a volley of twenty one cannon shots. The ceremony was notified in writing to the commanders of foreign whale boats and merchant ships which were sailing in the area, explaining the scope of the ceremony (November 6, 1820).

Emphasizing the importance of the event, the same was published in newspapers, not only from Argentina, but from Spain, United Kingdom, United States, etc., with which the possession by Argentina of said islands was widely spread.

Since then, an Army officer settled in the Malvinas islands in order to affirm the South American nation’s sovereignty.

Later, when in 1825, the United Kingdom, by subscribing a treaty, solemnly acknowledged the independence of the United Provinces of the River Plate, no claim or reserve was posed therein.

6) The Organized Argentine Authority

In 1829, the Government of Buenos Aires deemed advisable to regularize and arrange hierarchically its authority in the archipelago by providing a local government with precise powers and jurisdiction. Therefore, a decree was enacted on June 10, 1829 creating the “Political and Military Command of the Malvinas Islands”, preceded by extense legal reasons summarizing the Argentine rights, among which are noted the peaceful domain in which they had remained while in possession of Spain, “that possession being justified by the right of first occupant, by the consent of the major European maritime powers, and by the adjacency of these islands to the continent which formed the Viceroyalty of Buenos Aires, which government they were subject to”. In virtue thereof, Luis Vernet was appointed as Commander.

Unexpectedly, during the month of November the same year, England made a presentation to the authorities of Buenos Aires claiming against a step which opposed to “the sovereignty rights exercised until then (sic) by the Crown of Great Britain...”.

However, Commander Vernet went to the Malvinas islands with his family — where one of his daughters, who received that name, was born — and devoted himself to establish his authority in the islands.

7) The British Usurpation

In 1831, exercising the control of fishing Vernet captured three American whale boats which furtively plundered in the archipelago. A US warship took reprisals in Port Soledad. England became alarmed: being interested by then in the colonization of the Pacific, it had in mind the situation of the Malvinas Islands as a place to make land before crossing Cape Horn and assuming that the United States harboured similar intentions of seizing the islands, wanted to act in advance.

In January 1833, a British war frigate appeared in Port Soledad supported by another smaller ship, which conveyed the order of evacuation to the Argentine authority, which was achieved by force. The following year, a British Navy officer was left in charge of the archipelago, one of whose successors — some time later — moved the Port Soledad facilities and settled down in a new place which he called “Port Stanley”. England

claimed rights resulting from its discovery (sic) and from its permanence in former “Port Egmont”, a temporary event and above all, limited to a small place, co-existing for some time with the French of “Port Louis”.

Since then, and until April 2 this year, the British remained there living in the middle of a place which toponymy maintains, to a large extent, the old Spanish and Argentine designations. Economically dominated by a private company, “The Falkland Islands Company”, the population hardly amounts to some 1,700 inhabitants subject to a strict control, as most of them are employed by it, who periodically rotate, almost not existing deeply rooted natives. Being devoid of conveniences, social services, medical care, etc., their colonist status without private property places them in a precarious situation in modern world. Jurisdictional branches of those islands are the Southern Georgias and Sandwich Islands, thus considered both by Argentina and Great Britain.

8) Actions Within the Scope of International Organizations

For the Republic of Argentina, the Malvinas Islands were usurped by means of an irresistible act of force exercised by an imperial power. In that sense, since its origin, our country has unavoidably defended its sovereignty right over said insular territories, and has exercised by diplomatic means its formal and continuous claim in view of the subjugation of its territory by an extra continental State.

During the past decades, Argentine claims were made under the UN Resolution 1514, through which exhortation was given to “rapidly and unconditionally put an end to colonialism”, without admitting breaking of national unity and territorial integrity of the States, which is “incompatible with the objectives and principles of said Organization’s Chart.”

In 1965, the United Nations explicitly considered the dispute about the sovereignty of the Malvinas Islands and recommended Great Britain and Argentina to initiate “direct negotiations”, exhorting both countries to come to an agreement, emphasizing that attention should be paid to the “interests of the inhabitants”. Argentina immediately expressed its disposition to comply with said resolution; in this way, on December 14, 1973, through Resolution 31/49, the United Nations expressed their recognition to the Argentine Government for its continuous efforts performed in compliance with the appropriate decisions of the General Assembly in order to expedite the process of decolonization and promote the welfare of the islands population. An eloquent evidence thereof are the services rendered by Argentina in the Malvinas Islands during this time, through the supply of gas, oil, health assistance, air communications, educational services, etc...

British delays discontinued the negotiations, and in virtue thereof, the United Nations through Resolution 3160 expressed their concern because no substantial improvements had been accomplished during the eight years which had elapsed since it urged the parties to produce a peaceful solution of their dispute.

In 1976, in the so-called Shackleton affair, the British Crown sent warships which violated Argentine waters and produced threatening declarations towards the country. To this respect, the Interamerican Executive Committee considered as “hostile behaviour” the attitude assumed by Great Britain as long as it threatened the peace and security of the American Continent, and was oriented to block the United Nations recommendations;

to this regard, it declared that Argentina has “an unobjectionable right of sovereignty over the Malvinas Islands”. That declaration was approved by the Organization of American States (OAS) Assembly on the same year.

At the same time, official talks were carried out without modifying at all the obstinate British refusal to restore the seized territory.

Recently, England declared that it would expel, by force, Argentine workers who — duly authorized — were working in the Southern Georgias Islands, forcing the Government of Buenos Aires to declare that it would go there to protect them. The affair grew up and concluded into a crisis on April 2. The British attitude attempts against article 2 of the United Nations Chart, which censures the threat and the use of force against the territorial integrity (inc. 4), situation which justifies, in view of the aggression performed, the presumed viability of article 51st. which guarantees the immanent right of legitimate defence.

As a corollary of the above, in full concordance with the reviewed data, it is to note that the Resolution proceeding from the last Consultation Meeting of the Foreign Ministers from the American States Organization (OAS) of April 28, 1982, expressly acknowledges in its article 2 the sovereignty rights of the Republic of Argentina over the Malvinas Islands.

Based on the above stated, the Republic of Argentina as a participant and exponent of the Western culture has directed its action in this matter sustained by the cardinal virtue of Justice, this being understood as the constant and permanent habit of giving each one what it owns. In such an order of ideas, the hostile attitude and the solidarity action thereto — whatever its mode of expression may be — constitute an iniquitous violation of the higher principles which contribute to the peaceful coexistence of the international community.

Buenos Aires, April 29, 1982

Published by “Bolsa de Cereales de Buenos Aires”.

II. OFFICIAL POSITION OF THE GOVERNMENT OF GREAT BRITAIN

THE FALKLAND ISLANDS — THE FACTS

The invasion of the Falkland Islands by the Argentine Armed Forces on 2 April, followed by the military occupation of South Georgia, was an act of unprovoked aggression — a clear violation of international law and of the fundamental principles of settlement of disputes by peaceful means and of self-determination of peoples, both of which are enshrined in the UN Charter. On 3 April the UN Security Council adopted the mandatory resolution (SCR 502) calling for the immediate withdrawal of Argentine forces from the Islands.

Incident on South Georgia

Argentine allegations that the British reaction to events on South Georgia in March 1982 amounted to “aggression” against Argentine citizens are spurious.

A group of workmen hired by an Argentine entrepreneur, Constantino Davidoff, landed at Leith, a former whaling station in South Georgia, from an Argentine naval transport vessel on 19 March. Davidoff, who had a contract to dismantle the disused whaling station and sell it for scrap, had been told in advance of the need to comply with normal immigration procedures in South Georgia by first seeking permission to land from the British authorities there at Grytviken. His party deliberately chose to ignore these instructions, first by landing at Leith and then by continuing to refuse to seek the necessary authorisation even when requested to do so by the magistrate at Grytviken. At the same time, they hoisted the Argentine flag and, according to Argentine press reports, sang the Argentine national anthem as a further act of defiance. The Argentine ship subsequently departed, leaving a dozen workers behind. The British Government made clear to the Argentine Government that it regarded these men as being on British territory illegally and requested cooperation in arranging for their departure, pointing out, however, that the position could be regularised if they were to seek proper authorisation. HMS *Endurance*, a naval ice-patrol vessel, was ordered to proceed to the area, to be available to assist as necessary.

Claims that the group had already been supplied with all necessary documentation in Buenos Aires under the terms of the 1971 Anglo-Argentine Communications Agreement are inaccurate. The 1971 agreement applies only to the Falkland Islands and not to the Dependencies. In any case, the agreement did not absolve either Argentines or Falkland Islanders from complying with normal immigration procedures. Like every other territory, the Falkland Islands and Dependencies have immigration rules governing visits and settlement by foreigners.

On 25 March an Argentine Antarctic supply ship which, the Argentine press stated, was capable of carrying marines, made further deliveries to the shore party. The Argentine Foreign Minister asserted that the Argentine party in South Georgia was on Argentine territory and would be given full protection by the Argentine Government. Argentine naval vessels were in the area. Even when there were indications that the Argentine Government had decided to abandon the search for a diplomatic solution, the British Government continued to seek strenuously to defuse the situation, first by proposing the despatch of a British emissary to Buenos Aires to discuss a peaceful resolution of the incident and subsequently by representations to third parties.

As a result, messages were sent by the UN Secretary General to both parties, the President of the UN Security Council called for Argentine restraint and the American President telephoned the Argentine President with a similar urgent message. Nevertheless, Argentina proceeded with the invasion.

British Sovereignty

British sovereignty over the Falkland Islands and Dependencies rests on a secure historical and legal foundation. In 1690 the British Captain Strong made the first recorded landing on the Falkland Islands, which had no indigenous population before the arrival of settlers in the second half of the eighteenth century. The first British settlement was established in 1766. But up to 1833 there was a period of some confusion, with France, Britain, Spain and the then Buenos Aires Government at various times establishing small, local settlements, none of which endured more than a few years. Apart from having had a small settlement and penal colony for a short period on the Islands before 1833 (the greater part of this was ejected for "piracy" by the United States Navy in 1831) Argentina's claim to the Islands is based mainly on her having been the successor to the Spanish Viceroyalty of the River Plate, which also governed most of modern Uruguay, Paraguay, Bolivia and Chile. In 1833 the British took control of the Islands, and from that date have been in open, continuous, effective and peaceful possession, occupation and administration. The people who came to live there thereafter became the first permanently established population in the Islands.

South Georgia and the South Sandwich Islands are British Dependent Territories, legally distinct from the Falkland Islands; but for convenience they are administered by the Falkland Islands Government which is empowered to legislate for them. Captain Cook landed and took formal possession of South Georgia in 1775. The Island became a centre for sealing and whaling from the nineteenth century, but all shore stations ceased operations by December 1965. In 1908 the British Government annexed South Georgia by Letters Patent; since then the Island has been under continuous British administration. A magistrate, who is also the Base Commander of the British Antarctic Survey Stations, resides at King Edward Point in South Georgia.

The South Sandwich Islands were discovered by Captain Cook on the same voyage in 1775; they were similarly annexed in 1908 and have been under continuous British administration since that date.

The first Argentine claim to South Georgia dates only from 1927; they made no claim to the South Sandwich Islands before 1948. The two groups of Islands lie about 1,800 and 2,300 km from Argentina. Before their annexation by the British, the Dependencies were never occupied by Argentina. The root of British title to them is different from that to the

Falkland Islands themselves. Whatever claim Argentina may have to the Falkland Islands cannot apply to the Dependencies. In 1947 and subsequently, Britain offered to submit the dispute over the Dependencies to the International Court of Justice. In 1955 the British Government applied unilaterally to the Court for redress against encroachments on British sovereignty by Argentina, which, however, declined to submit to the Court's jurisdiction in the matter.

Settlement of Disputes

The signatories of the UN Charter, including Argentina, agree under Articles 2(3) and 2(4) to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered" and to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

A number of regional treaties incorporate similar sentiments. The contracting parties of the 1947 Inter-American Treaty of Reciprocal Assistance (Rio Treaty), which include Argentina, "undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the UN" (Article 1). The Charter of the Organization of African Unity determines "to safeguard the territorial integrity" of its States. The signatories of the Final Act of the Conference on Security and Cooperation in Europe (signed in Helsinki on 1 August 1975) agreed, in the Declaration of Principles Guiding Relations between Participating States, to refrain from the threat or use of force against the territorial integrity or political independence of any State.

Many States are subject to claims by neighbours, which are being pursued peaceably in accordance with the UN Charter. To condone Argentine aggression would be a bad precedent, serving only to encourage further similar acts, whether by the Argentine or others, with the most damaging implications for international law, world order and the peaceful resolution of disputes. Very few countries would be unaffected if boundaries were redrawn on the basis of claims dating back to 1833.

Decolonisation and Self-determination

Argentina's aggression cannot be said to have been a case of ending colonialism in the Islands; indeed, if allowed to persist, it would amount to colonialism in itself.

Decolonisation, as it is normally understood, has consisted of the withdrawal of an alien administering power and the transition of a new State to independence or self-government, in accordance with the freely expressed wishes of its people. In this spirit Britain has brought over 40 countries to independence. Indeed, there is now no British dependent territory, except where their inhabitants wish to remain so.

Respect for the principle of self-determination remains fundamental in international relations and in safeguarding international peace and security. The principle of self-determination is recognised in a number of international instruments, such as Article 1 of the UN Charter and the Declaration on Friendly Relations adopted by consensus by the UN General Assembly in 1970; this contains an entire section on "the principle of equal rights and self-determination of peoples", stating, *inter alia*, that "all peoples have the right freely to determine, without external interference, their political status and to

pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.” The common Article 1 of the International Covenants on both Civil and Political Rights and on Economic, Social and Cultural Rights states that “all peoples have the right to self-determination. By virtue of that right they freely determine their political status...” The General Assembly resolution on decolonisation, Resolution 1514 (XV) of 1960, cites the wording of the Covenants on self-determination and calls upon States to transfer powers to the peoples of non-self-governing territories in accordance with their freely expressed will and desire. An essential element of this principle is therefore the free and genuine expression of the will of the people, such as has taken place regularly in the Falkland Islands.

The UN Charter itself contains important principles for the administration of dependent territories. Britain has always been recognised by the UN as the “administering power” for the Falkland Islands and the Dependencies and has regularly submitted reports on them under Article 73(e). Article 73 imposes a positive obligation on Britain to treat the interests of the inhabitants as paramount, requiring Britain to accept “as a sacred trust” the obligation to promote to the utmost their well-being. In particular, Article 73 obliges Britain

- a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment and their protection against abuses;
- b) to develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement.

It is therefore quite wrong to claim that the use of the term “interests” in Article 73 allows the wishes of the inhabitants to be overridden. Nor is it for another country to lay down where a people’s interests lie : the inhabitants of a country are the best judges of their own interests. Suggestions to the contrary can only encourage interference in the internal affairs of other States and the unprincipled use of force, and have been the classic argument used by those opposed to decolonisation, past and present.

An act of self-determination has come to be generally acknowledged as the correct preliminary to the introduction of changes (such as independence, incorporation into a neighbouring State or free association with the former administering power). The UN has never acquiesced in the decolonisation of a territory in such a way that a people is handed over unwillingly to alien rule. Self-determination and decolonisation need not automatically lead to independence. The status of a territory after an act of self-determination is primarily a matter for the people of the territory itself to decide.

The community on the Falkland Islands, though small, (1,813 at the 1980 census) is a permanent, not transient population. The UN Committee of 24, set up by the General Assembly to supervise the implementation of Resolution 1514, has always maintained that factors such as the size of the population and geographical isolation should not militate against any people’s right to self-determination in accordance with the Charter. The Falkland Islanders have no less right to be accepted internationally as a “people” with rights of self-determination than the population of Argentina. They are not, as

Argentina claims, mainly expatriate employees of a British company : 75 per cent were born on the Islands and most are from families established there for well over a century.

Military Dictatorship or Democracy

The current population of Argentina are descendants of settlers from Europe, the indigenous population having been largely eliminated during the opening up of the interior by the Army in the "Indian Wars" of the late nineteenth century. The great majority of the population descend from immigrants who came to the country after 1870. Militarism has deep roots in Argentina. The military see themselves as "creators of the nation, defenders of its culture" and guarantors of the cohesion of the State. They have not hesitated to intervene and suspend democratic processes in the face of what they considered an ineffectual civilian Government and a drift towards anarchy. This has occurred five times since 1930. The present regime is a Junta of the Army, Navy and Air Force Commanders-in-Chief, which seized power from Sra Maria Estela Peron in 1976. It appointed General Galtieri President in December 1981.

The alternation between Peronism and military government during nearly the whole period since 1943 produced widespread frustration and a combination of right-wing and left-wing extremism, manifested in both urban and rural guerrilla movements. Under Señora Peron and then under their own authority the Armed Forces suppressed this terrorism with great ferocity. It is generally accepted that many, who had no connections with terrorism at all, must be numbered among those who "disappeared", never to be seen again, during the course of what the Argentine Armed Forces themselves described as the "dirty war". A UN Working Group on Enforced or Involuntary Disappearances estimated that the number might be as high as 9,000. Meanwhile emergency powers under the state of siege have been maintained, all elections suspended and Armed Forces' nominees placed in all elected offices.

In contrast the Falkland Islands, contrary to Argentine claims that the Islanders are second-class citizens, are free and democratic and have gradually moved towards a system of internal self-government. The population's reiterated desire to remain British, and not to become independent or part of Argentina, has been reinforced by the repressive and authoritarian nature of successive regimes in Argentina.

Falkland Islands Constitution

The Falkland Islands Legislative and Executive Councils were first formed during the nineteenth century. In 1949 and 1977 the Constitution was revised to increase the number of elected Councillors, elections being based on universal adult suffrage. The present (1977) Constitution lowered the voting age from 21 to 18. The Islands are administered by an appointed Governor, who is the personal representative of the Crown, advised by an Executive Council. This consists of two elected and two ex officio members of the Legislative Council and two nominated members. The Legislative Council, composed of six elected and two ex officio members, has the power "to make laws for the peace, order and good government" of the territory. It is concerned with the day-to-day running and administration of the Islands, their trade, general development, social services and education. Any member of the Council may introduce a bill or propose a motion; legislation is passed by a simple majority.

British Interest in the Falklands

Allegations that Britain has not shown interest in the welfare of the Islanders are ill-founded.

Britain has given extensive aid — £ 6.6 million during 1976-80, an average of £ 735 per head per year. This has included several important projects, notably the electric power station, the permanent airport at Stanley, the road from Stanley to Darwin (the second largest settlement), a secondary school hostel in Stanley, aeroplane and hangar for the internal air service (the main internal link between Stanley and the rest of the territory), new X-ray equipment for the hospital and machinery and storage facilities for the Public Works Department.

Education is free and compulsory for children aged 5 to 15; the Falkland Islands Government recently decided to centralise secondary education in Stanley (thus necessitating the building of the hostel) where education up to the “ordinary level” of the British Certificate of Education is available. Children wanting to take the “advanced level” of the General Certificate of Education and the few students undertaking higher education courses abroad are assisted under the British Government’s aid programme. Most study in Britain, although a handful attend Anglo-Argentine schools. There are also two Argentine teachers, partly financed by the Falkland Islanders, who give Spanish lessons. The Falkland Islands Government maintains a general hospital at Stanley, which provides medical, surgical, obstetric and geriatric care, and from time to time has offered emergency medical treatment to seamen and other foreigners in distress. There are full trades union rights under Falkland Islands law, legislation governing labour conditions and a full range of social services.

In 1975 the British Government commissioned an economic study by Lord Shackleton, to investigate the best means of developing and diversifying the Islands’ economy. Published in 1976, the report recommended a number of projects, based on further development of sheep farming and wool production, enlargement of the airport, establishment of a tourist industry centred on the abundant wild life, harvesting of kelp (seaweed), development of a fishing industry (attention was drawn to the long-term importance of the large stocks of krill) and further social development of the Islands.

Current assessments suggest that the offshore oil and gas potential of the Islands and the Dependencies is unlikely, with present technology, to warrant the high costs which exploration and exploitation in the difficult local conditions would entail. Nor are there other mineral deposits worth exploiting. The development of the fishery potential is also uncertain; hake and Antarctic cod have been over-fished and require conservation, southern blue whiting has only a small market for human consumption, and krill, while abundant at present, is of unproven commercial purpose. There are strong conservation reasons against uncontrolled exploitation.

Negotiations with Argentina

Lord Shackleton’s report also advised closer cooperation with Argentina. In 1965 the UN General Assembly had approved a resolution inviting Britain and Argentina to hold discussions about a peaceful solution to their rival claims to the Islands, bearing in mind the Islanders’ interests. Diplomatic discussions resulted in 1971 in a series of communications agreements. In 1974 a further agreement arranged for the Argentine State

petroleum company to supply the Islands with petroleum products. The British Government were keen that such practical links between Argentina and the Islands should grow, as their future welfare and development would clearly be best assured with Argentine co-operation.

More talks took place between 1977 and 1980. Further exploratory talks were held in April 1980. In February 1981 talks took place in New York between Argentina and Britain, whose delegation included two of the Falkland Islands' elected Councillors. Argentina rejected the British proposal for a "freeze" on the sovereignty dispute for an agreed period, during which both sides could cooperate to develop the Islands' resources.

At the end of February 1982 another round of formal talks took place in New York. The British delegation again included two Falkland Islands Councillors. The two sides reaffirmed their resolve to find a solution to the sovereignty dispute and considered in detail an Argentine proposal for procedures to make better progress. The joint communique issued on 1 March stated that the talks had been "cordial and positive", yet on 2 April Argentina invaded the Islands.

The invasion thus occurred while negotiations were still in progress.

Britain's Right of Self-defence

Argentina is in flagrant and open violation of the fundamental principles of the UN Charter by its unprovoked attack and subsequent military occupation of the Islands. Article 2 of the Definition of Aggression states that "the first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression..." (UN General Assembly Resolution 3314). These unlawful Argentine acts give Britain the right to use force in self-defence. This right, first exercised at the time of the invasion by the small detachment of Royal Marines in the Islands, extends to terminating the illegal occupation. It is expressly recognized by Article 51 of the UN Charter, which makes it clear that the right of self-defence is "inherent" and that nothing in the Charter is intended to impair it. In compliance with its obligations under Article 51, the British Government has reported all measures of self-defence to the Security Council.

Security Council Resolution 502 recognises that Argentina is responsible for the breach of the peace; it does not seek to inhibit Britain from exercising her inherent right of self-defence. Article 51 preserves the right "until the Security Council has taken measures to maintain international peace and security." The Security Council decision has clearly so far not proved effective to achieve its stated objective, since Argentina during April, far from withdrawing her forces in accordance with the Resolution, sent reinforcements to the Islands. Agreement by Argentina to withdraw her forces, and to negotiate without preconditions for a diplomatic solution to the underlying dispute, as required by the Resolution, would remove the major obstacle to its complete implementation.

Britain remains fully committed to the search for a diplomatic solution to the crisis, which is obviously preferable to military confrontation. Nevertheless, failing such a solution, Britain is fully justified in exercising her inherent right. Her use of military force is governed by the principles of necessity and the use of force proportionate to the threat, as required by international law. British forces have been deployed with the sole limited objective of securing, with minimum casualties on both sides, the withdrawal of

Argentine forces from the Islands, as called for by SCR 502. They form part of the graduated pressure — diplomatic, economic and military — to induce Argentina to return to the negotiating table.

Argentina claims that she does not wish to inflict injury or loss on the local inhabitants, nor to modify their way of life. She claims that she wishes to improve conditions for them. However, her recent actions have done nothing to promote her cause among the Islanders; far from winning their hearts and minds, which would have been a prerequisite for any peaceful change, the military occupation and the changes already enforced by the military governor have provided the Islanders with an all too vivid experience of what life can be like under a dictatorship which has scant respect for human rights.

The Argentine invasion is an act of unprovoked aggression. History provides many examples where the international community's failure to take action over such acts by aggressive powers led to much graver crises later.

Produced for the Foreign and Commonwealth Office by the Central Office of Information.

III. RESOLUTIONS ADOPTED BY THE UNITED NATIONS ORGANIZATION REGARDING THE QUESTION OF THE FALKLAND ISLANDS / MALVINAS

General Assembly Resolution 2065 (XX)

The General Assembly,

Having examined the question of the Falkland Islands (Malvinas),

Taking into account the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas), and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory,

Considering that its resolution 1514 (VX) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falkland Islands (Malvinas),

Noting the existence of a dispute between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the said Islands,

1. *Invites* the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);

2. *Requests* the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations.

*1398th plenary meeting
16 December 1965*

General Assembly Resolution 3160 (XXVIII)

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2065 (XX) of 16 December 1965, in which it invited the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem of the Falkland Islands (Malvinas), bearing in mind the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas),

Gravely concerned at the fact that eight years have elapsed since the adoption of resolution 2065 (XX) without any substantial progress having been made in the negotiations,

Mindful that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution of the conflict of sovereignty between the Governments of Argentina and the United Kingdom with regard to the aforementioned islands,

Expressing its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands,

1. *Approves* the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) and, in particular, the resolution adopted by the Special Committee on 21 August 1973 concerning the Territory;

2. *Declares* the need to accelerate the negotiations between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland called for in General Assembly resolution 2065 (XX) in order to arrive at a peaceful solution of the conflict of sovereignty between them concerning the Falkland Islands (Malvinas);

3. *Urges* the Governments of Argentina and the United Kingdom, therefore, to proceed without delay with the negotiations, in accordance with the provisions of the relevant resolutions of the General Assembly, in order to put an end to the colonial situation;

4. *Requests* both Governments to report to the Secretary-General and to the General Assembly as soon as possible, and not later than at its twenty-ninth session, on the results of the recommended negotiations.

*2202nd plenary meeting
14 December 1973*

General Assembly Resolution 31/49 (XXXI)

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965 and 3160 (XXVIII) of 14 December 1973,

Bearing in mind the paragraphs related to this question contained in the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, and in the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976,

Having regard to the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) and, in particular, the conclusions and recommendations of the Special Committee concerning the Territory,

1. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) and, in particular, the conclusions and recommendations of the Special Committee concerning the Territory;
2. *Expresses its gratitude* for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands;
3. *Requests* the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to expedite the negotiations concerning the dispute over sovereignty, as requested in General Assembly resolutions 2065 (XX) and 3160 (XXVIII);
4. *Calls upon* the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions;
5. *Requests* both Governments to report to the Secretary-General and to the General Assembly as soon as possible on the results of the negotiations.

*85th plenary meeting
1 December 1976*

Security Council Resolution 502 (1982)

The Security Council,

Recalling the statement made by the President of the Security Council at the 2345th meeting of the Security Council on 1 April 1982 (S/14944) calling on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to refrain from the use or threat of force in the region of the Falkland Islands (Islas Malvinas),

Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina,

Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),

1. *Demands* an immediate cessation of hostilities;
2. *Demands* an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);
3. *Calls* on the Governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.

*2350th meeting
3 April 1982*

Security Council Resolution 505 (1982)

The Security Council,

Reaffirming its resolution 502 (1982) of 3 April 1982,

Noting with the deepest concern that the situation in the region of the Falkland Islands (Islas Malvinas) has seriously deteriorated,

Having heard the statement made by the Secretary-General to the Security Council at its 2360th meeting on 21 May 1982, as well as the statements in the debate of the representatives of Argentina and of the United Kingdom of Great Britain and Northern Ireland,

Concerned to achieve as a matter of the greatest urgency a cessation of hostilities and an end to the present conflict between the armed forces of Argentina and of the United Kingdom of Great Britain and Northern Ireland,

1. *Expresses* appreciation to the Secretary-General for the efforts which he has already made to bring about an agreement between the parties, to ensure the implementation of Security Council resolution 502 (1982), and thereby to restore peace to the region;

2. *Requests* the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices bearing in mind Security Council resolution 502 (1982) and the approach outlined in his statement of 21 May 1982;

3. *Urges* the parties to the conflict to cooperate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);

4. *Requests* the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;

5. *Requests* the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.

26 May 1982

General Assembly Resolution 37/9

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973 and 31/49 of 1 December 1976,

Recalling also Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Taking into account the existence of a *de facto* cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them,

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX) and 3160 (XXVIII),

Reaffirming also the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

1. *Requests* the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas);

2. *Requests* the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above and to take the necessary measures to that end;

3. *Requests* the Secretary-General to submit a report to the General Assembly at its thirty-eighth session on the progress made in the implementation of the present resolution;

4. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Question of the Falkland Islands (Malvinas)".

*55th plenary meeting
4 November 1982*

IV. THE ARGENTINE CLAIMS TO THE FALKLAND ISLANDS

Commentary by the International Commission of Jurists

"... A harsh, inhospitable and costly addition to the dominions of the crown."

Thus, Samuel Johnson in his guise as official polemicist described the Falklands, the scattering of some 200 islands that are the cause of the current hostilities between Britain and Argentina.

Although, indeed, inhospitable, being battered by almost constant winds that restrict vegetation to a blanket of moorland, the islands do have some redeeming features, most importantly their very deeply indented coastlines which offer excellent natural harbours. One of the main reasons for the interest shown in the Falklands in the mid-eighteenth century was this abundance of safe anchorages for ships either resting up before tackling the hazardous trip round the Horn or wishing to carry out (or interfere with) trade in the New World.

The islands had a further advantage in that they could provide fresh water as well as supplies — in such form as seals, penguins, geese, ducks, "several sorts of wild berries, among others, strawberries, and a great quantity of wild celery. Many a whale ship has had its crew saved from that horrid disease, the scurvy, by the natural productions of these wild looking hills." ¹

The Tussle with Spain

Controversy has always seemed to surround the Falklands, beginning with arguments as to who first sighted them. The British claim John Davies, in 1592; the Argentinians claim Spanish navigators who, they say, registered the islands on maps dating as far back as 1523.

In presettlement days, the islands were certainly sighted by seamen of many nationalities and a plethora of names was variously used to describe them. They were referred to in the earliest books as "John Davis's Southern Land". later, in 1594, they were dubbed "Hawkin's Maiden Land", a name designed to honour the sighter, Richard Hawkins, and "Queene Elizabeth my soveraigne lady and mistress, and a maiden

Queene... in a perpetual memory of her chastitie.” The Dutch also had a hand in the ‘naming of names’ and the islands were for a time known as “The Sebaldines”, after the Dutch sailor, Sebald de Weert who sighted them in 1599. A map from the late eighteenth century, showing the islands as the Sebaldine Islands, hangs in the Secretariat at Stanley, the capital city on East Falkland.

The name now used by the British, however, originated in 1690 when John Strong visited the islands. He made the first recorded landing there, “found fresh water in plenty and killed an abundance of geese and ducks — as for wood there (was) none.” He named the straight between the two main islands (now East and West Falkland) Falkland Sound after Anthony, Viscount Falkland, who was then a Commissioner of Admiralty. The name subsequently came to be applied to the island group as a whole.

The Argentine name, on the other hand, originated in visits to the group made, prior to the first settlement in 1764, by French sailors from the seaport of St. Malo. Thus, the islands came to be known as “Les Iles Malouines”, whence the Spanish “Las Islas Malvinas”.

Although both Britain and Argentina claim sovereignty over the Falklands, it was the French who first planted a colony there. In 1763, Louis Antoine de Bougainville sailed from St. Malo with two ships carrying families of settlers and live-stock. They landed on East Falkland in February 1764, built a fort along with several huts, and by 1765, after more colonists had arrived, Port Louis boasted a population of 150.

Spain became worried that this French action would encourage the British in their plans to establish a South Atlantic base in the Falklands where ships could take on supplies prior to rounding the Horn and, more importantly, from which Britain might attempt to interfere with Spanish trade in that area. Already, approaches had been made by Britain to determine the Spanish attitude to a proposed British “scientific” expedition to explore the area. That Britain felt she had to confer with Spain regarding this suggests that she was influenced by the various treaties of the time to which she was signatory, in particular the Treaty of Utrecht (1713), by reason of which Spain claimed that Britain had no right to enter the South Atlantic against her wishes. Britain hoped that by dressing up the expedition as “scientific” she could slip it through the treaty provisions. The Spanish however, realized the real intent behind the venture and rebuffed the British proposals. Britain, anxious at that time to establish good relations with Spain, abandoned the scheme and, in 1749, informed Spain that “His Majesty could in no respect agree to the reasoning of the Spanish ministry as to his right to send out ships for the discovery of unknown and unsettled parts of the world, as this was a right indubitably open to all; yet, as his Britannic Majesty was desirous of showing his Catholic Majesty his great complacency in matters where the rights and advantages of his own subjects were not immediately and intimately concerned, he had consented to lay aside for the present every scheme that might possibly give umbrage to the court of Madrid.”²

The Spanish fears concerning British intent proved justified however, and in 1764 (15 years later) a British expedition in the charge of the Hon. John Byron was dispatched to report on the Falklands and the feasibility of establishing a station there. Byron, on arrival, took possession of the islands “for his Majesty King George the Third of Great Britain under the name of Falkland’s Island.” He reported back to the First Lord of the Admiralty, John Percival, second Earl of Egmont, that he had found “one of the finest harbours in the world. I named it after your lordship.”

On the strength of Byron's report, Captain John MacBride was sent out to establish the British settlement and he arrived at Port Egmont in 1766.

The French and British presence on the Falklands was shortlived, however, as Spain quickly managed to expel both the "trespassers". In 1766, after an angry diplomatic exchange, and the payment of compensation equivalent to £ 24,000, the French withdrew. The British were more stubborn but, eventually, in 1770, by a show of force, Spain obliged the small garrison to surrender and return to Britain.

The Question of Sovereignty As It Stood in 1770

Originally, Spain had based her claims to sovereignty in the New World largely on the papal bulls, most importantly *Inter Caetera* of 1493, in which Pope Alexander VI set out the papal line of demarcation relative to the areas of Spanish and Portuguese colonization and right, and threatened with excommunication anyone entering those areas without permission.

Inter Caetera, however, soon proved a weak base on which to build a blanket claim to sovereignty that could stand up against the claims of others. Excommunication could no longer be used as a holy sword of Damocles to hand over the head of, for example, the Protestant British and Dutch monarchs. As for the dominion the Spanish claimed that the Bull gave them over portions of the high sea, "it was not long before it became apparent that (such) claims to exclusive dominion derived their validity not from books, but from the facts of their successful enforcement, and hence the notion of the closed sea (mare clausum) presently was restricted to narrower fields of political use and finally was definitely rejected." ⁴ Thus, British freebooters and French corsairs, freed from the psychological restraints of Papal edicts by Protestantism and the pursuit of gain and knowledge, flouted Spanish authority at sea. Drake's voyage round the world in 1580, "piratical" activity in Spanish eyes, gained royal approval, and Elizabeth I, replying to complaints about Drake's activities from the Spanish ambassador, said that "she would not persuade herself that (the Indies) are the rightful property of Spanish donation of the Pope of Rome in whom she acknowledged no prerogative in matters of this kind, much less authority to bind Princes who owe him no obedience, or to make that New World as it were a fief for the Spaniard and clothe him with possession... so that.. this imaginary proprietorship ought not to hinder other princes from carrying on commerce in these regions and from establishing colonies where Spaniards are not residing, without the least violation of the law of nations, since without possession prescription is of no avail, nor yet from freely navigating that vast ocean since the use of the sea and air is common to all men." ⁵

The defeat of the Spanish armada in 1588 more or less put paid to Spain's claim to rule the high seas.

The "power-base" of *Inter Caetera*, the so-called Donation of Constantine — an idea expanded by St. Augustine into the accepted church doctrine that the whole world was God's property of which mankind only had the *use* and which gave to the Pope, as God's representative on earth, the power to dispose of the unoccupied lands of the world — had little appeal to monarchs other than those of Spain and Portugal. Moreover, legal opinion leaned towards the view that it was actual possession that conferred sovereignty over land. Goebel illustrates this by citing both Hugo Grotius' *Mare Librum* (1608) which states that "to discover a thing is not only to seize it with the eyes but to take real

possession of it” and that ownership, therefore, can arise only out of physical possession; and Johann Gryphiander’s *Tractatus de Insulis* (1623) which also claims that actual occupation is a necessary prerequisite to claiming rights over a “discovered” territory.

The Spanish, realising the weakness of their position in relying on *Inter Caetera* fell back both on the theory of prior occupation and on various treaties to support their claim to their share of the New World. Important among the latter, was the Treaty of Utrecht (1713), which restored the conditions of navigation and commerce to the status quo at the time of Charles II (1665) and withheld permission to France or “any other nation whatever” to sail to any of the dominions of Spain in America. Britain was a signatory to this treaty.

If, as Spain claimed, the treaty was applicable then Britain had no right to enter the South Atlantic waters and thus, no right to establish her colony. If the treaty did not apply, as Britain claimed, then legal opinion at the time (as exemplified in Grotius and Gryphiander) would still seem to decide the question of sovereignty in favour of Spain, she having derived her sovereignty from the French who, through their occupation, had acquired the original sovereignty over the Falklands.

The British, however, denying that the treaty applied and unwilling to take Grotius and Gryphiander’s view of acquisition, based their claim on right by discovery. But according to Goebal, “well into the opening years of the seventeenth century... there was no pretension that discovery could be the source of title; indeed, the lesser maritime powers, by the assertion of a principle of this sort, would have rigorously excluded themselves from the benefits of colonial expansion.”⁶ Goebal goes on to state that discovery as a source of title was first considered in 1758 by Vattel in his treatise “*Droit des Gens*”. Even using Vattel as an authority, the British claim is feeble. Vattel says that “navigators going on voyages of discoveries furnished with a commission from their sovereign and meeting with islands or other lands in a desert state have taken possession of them in the name of the nation; and this title has been usually respected, provided it was soon after followed by a real possession.”⁷

Considering that MacBride’s settlement was separated by 200 years from Davis’ sighting and by 100 years from Strong’s landing on the islands, it cannot be said that real possession was effected by the British “soon” after discovery.

Events After 1770

Britain, convinced of the justice of her claim, was incensed by the summary removal of her colony from Port Egmont. Not only was it an “insult offered to the British Crown” but it also meant that Britain was denied a base in an island group that the Earl of Egmont had described as “undoubtedly the key to the whole Pacific Ocean.” The prospect of war with Spain loomed large. However, negotiations were opened and in 1771 the Spanish Government agreed “to restore to His Britannic Majesty the possession of the fort and port called Egmont” but this “cannot nor ought any wise to affect the question of the prior right of the sovereignty of the Malvinas Islands, otherwise the Falkland Islands.”

The British Government came under attack at home over the wording of the document reserving sovereignty and restricting restoration to Port Egmont only. British

attempts to have the Spanish ministry include the “dependencies” of the place had failed. The uproar would have been even stronger had the conditions of a supposed secret proviso become known. Of this, the Hon. (later Admiral) George Grey, in a letter home dated 1 November 1836, writes “the Spanish Government restored Port Egmont and, it has always been supposed, with the secret proviso that England was to abandon the Island upon the plea that the Establishment was not worth the expense.”

Whether there was a secret proviso or not, one thing is certain, the British force was withdrawn from the Falklands in 1774, after its face-saving return there in 1771.

Accounts vary as to British action during the three years of resumption of occupation. The Peace Handbook Vol. XXI, issued by the Historical Section of the Foreign Office states that “on 16 September 1771, the commander of the *Juno* was formally placed in possession of the station by the Spanish officer on the spot. A sloop, with some seamen and marines was left to hold it; but the number of the garrison was reduced in the next year; and in 1774 the garrison was withdrawn altogether”; while another source states that “possession was resumed on the 16 September of that year (1771) and until April 1774 the settlement underwent considerable development” (*The Falkland Islands and Dependencies*, Foreign and Commonwealth Office, 1970-71).

This former account squares best with the existence of the “secret proviso” and the purported reason given by the British for withdrawal, which was economic. Lord Rochford, Secretary of State at the time, described the establishment at Port Egmont as “neither more nor less than a small part of an uneconomical naval regulation.”

On leaving Port Egmont in 1774, the British commanding officer fixed an inscription to the blockhouse door, reading “Be it known to all nations that the Falkland Islands, with this fort, the storehouses, wharfs, harbours, bays, and creeks thereunto belonging are the sole right and property of His Most Sacred Majesty George the Third, King of Great Britain, France and Ireland, Defender of the Faith, etc. In Witness whereof this plate is set up, and his Britannic Majesty’s colours left flying as a mark of possession by S.W. Clayton, commanding officer at Falkland Islands, A.D. 1774.”

The Spanish then had sole occupation of the Falklands and administered them as part of the Province of Buenos Aires. From 1774, the Viceroyalty of Buenos Aires appointed governors to the islands, motivated, according to Goebel, by the fear that Britain would try to occupy them again should they be abandoned. It seems that during at least some of this period, Spain used the Falklands as a penal colony. Grey, in the same letter of 1 November 1836, notes that on his receiving orders to sail for the islands, “all my friends pitied me, especially as these islands are looked upon by the Buenos Ayreians as a sort of Botany Bay, having been used by the Spaniards as a place for convicts.”

The Spanish faded out of the picture with the formal independence of the United Provinces of the Rio de la Plata, later the Republic of Argentina, in 1816. In 1811 the Spanish garrison was withdrawn and “for a number of years there appeared to have been no inhabitants at all and no nation claiming authority”,⁸ the new state was presumably too occupied at home to attend to more peripheral matters. It should be noted that no attempt was made at this time by any other state to profit from the situation and assert a rival claim to sovereignty.

In 1820, the Republic of Buenos Aires asserted over the islands the sovereignty it claimed to have inherited from Spain by sending out a Colonel Jewitt, who took possession of Puerto de la Soledad (formerly Port Louis) in the name of the Republic. Britain did not protest at this action and, indeed, after officially recognising Argentine independence in 1823, she signed a Treaty of Friendship, Trade and Navigation with Argentina in 1825. Both actions were taken without reservation of any question regarding sovereignty of the Falklands.

In 1826, a Hamburg merchant of French origin, Louis Vernet, took a commercial interest in the islands, dealing in cattle and salt fish. "In 1828, the Government of Buenos Aires conceded to him almost an entire private possession of the islands, with the right of warning off all vessels from the fishery; to give him more power he was invested with an official character and styled Governor of Malvinas."⁹ Britain protested against this action but did nothing.

Vernet, however, was incautious in the exercise of his new rights, especially those regarding sealing. The seal fishery industry had greatly expanded by this time and the Falklands were visited by vessels of many countries, notably America. Vernet, after warning off several American vessels, took the law into his own hands and seized 3 American ships, detaining their officers and crews. This precipitated American reprisals and in 1831, Captain Silas Duncan of the American warship *Lexington* destroyed the settlement governed by Vernet at Puerto de la Soledad, retook the captured vessels, and declared the islands free of all government.

The next year, the government of Buenos Aires appointed Juan Mestivier civil and military governor ad interim. He sailed, despite British protests reaffirming British sovereignty, to take charge of a penal reserve on East Falkland. However, his soldiers subsequently mutinied and he was murdered.

Meanwhile, in December 1832 Captain Onslow of *HMS Clio* had occupied Port Egmont on West Falkland. He continued to East Falkland arriving in January 1833 to find Jose Maria de Pineda, the commander of Mestivier's ship, attempting to restore order after the mutiny. Onslow told Pineda that he had "received directions to exercise the rights of sovereignty over these islands" and told the Argentinian to leave. Pineda eventually did depart taking with him those settlers who wanted to return to Buenos Aires. Later, Onslow also left, leaving the colony in the hands of Matthew Brisbane, Vernet's agent and William Dickson, Vernet's storekeeper. Soon after Onslow's departure, however, Brisbane and Dickson were murdered by a gang of 3 gauchos and 6 Indians, who were later captured by Lieutenant Henry Smith RN. Smith was sent to the colony as governor, arriving in 1834 on board the *Challenger* and being put ashore with 4 men to keep possession of the settlement. He was succeeded by other naval officers until 1843, when an Act of Parliament was passed "to enable Her Majesty to provide for the government of her settlements on the coast of Africa and in the Falkland Islands." Lieutenant-Governor Moody, RE who had reached Port Louis in 1842, was appointed governor, "provision was made for a legislature and the Falkland Islands became a Crown Colony of the ordinary type, with Governor, Executive Council and Legislative Council, as they have since remained."¹⁰ The substantial settlement of the islands began with the introduction of sheep farming in the 1860's.

Conclusion

From the rather shaky ground of Papal donation, Spain moved her claim to sovereignty over the Falklands to the surer base of treaty provisions and actual occupation (with a title ceded by the French). During the 43 years of Spanish rule in the islands, governors were appointed, convicts, “mainly rebellious Patagonian Indians, were shipped out.. to provide slave labour”¹¹ and the islands generally treated as Spanish property. The Spanish settlement was withdrawn during the struggle for independence of the Provinces of the River Plate, later the Republic of Argentina, which claimed to have inherited the islands by virtue of their having been part of the Vice-royalty of Buenos Aires under the Spanish. For the 10 years prior to Argentina’s planting a colony on the islands, no other state pretending to sovereignty stepped in to establish such a claim, though the gap between the removal of Spanish authority and the formal assertion of Argentine authority would have been an ideal opportunity for doing so. In 1820, after Jewitt had raised the Argentine flag on the islands, Juan Mestivier was appointed governor and there followed 13 years of Argentine occupation — until their eviction by British forces in 1833.

The British on the other hand, originally based their claim to the Falklands on first discovery — a fact which itself is not certain and even if it were, seems to have little or no legal force. Prior to the events of 1833, Britain had had a settlement on the islands for only seven years and three of these were passed jointly with the Spanish garrison (1771-1774). Moreover, Goebal holds that the British withdrawal from Port Egmont in 1774 “disposed of any shadow of right which the British may have had.” As they had no claim to prior occupation and could be said to be in breach of the terms of various treaty provisions by sailing into the waters of the South Atlantic, “any right as against Spain could be maintained only by adverse possession. Once this possession was surrendered the claim itself would lapse.” The British government in an attempt no doubt to justify to the electorate its professed “voluntary” abandonment of the Falklands, tried to treat it as an exercise of good judgment and generally to create the impression that the islands were not worth the financial outlay. This is hardly the attitude of a country anxious to press its claim to sovereignty.

Even the actions Britain *did* take to bolster her claim to sovereignty were not very convincing. The plaque left at Port Egmont and the protests lodged on the appointment of Vernet as governor, for example, could be said to amount to trying, with a minimum of effort, to keep the options open.

However, Britain can now base its ownership of the islands more firmly upon 150 years of sole possession and 120 years of substantial settlement. Argentina disputes the British claim based on “acquisitive prescription” saying that “Argentina not only has never let her sovereignty rights prescribed (sic) but, year after year and government after government had (sic) felt the armed spoliation of a part of its territory deeply and against its national sensibility.”¹² It is difficult to ascertain precisely what action was taken by Argentina to support her claim to sovereignty during British rule in the Falklands. One official document supplied by the Argentine Mission to the United Nations in Geneva says merely that “it would be too long to state the enormous repetition of Argentine claims.” Other sources¹³ indicate that the action amounted to official protests in 1833, 1841, 1849, 1884, 1888, 1908, 1927, 1933, 1946 and representations to the UN. In 1965, General Assembly Resolution 2065 (XX) took note of the existence of a conflict between Britain and Argentina over the sovereignty of the islands and invited the two countries to negotiate with a view to resolving the situation in the best interests of the islanders.

Prolonged discussions have failed to reach an agreement on terms acceptable to the settlers. Concerning this, Britain takes the position that the islanders themselves are the best judges of their own interests, that they wish to remain British and that “the UN has never countenanced the decolonization of a territory by agreeing to hand over its people to alien rule in the face of their persistent opposition.”¹⁴

British reliance on the principle of self-determination raises the issue of what constitutes a “people” entitled to exercise the right. There is no agreed definition, but in his study on the right to self-determination for the UN Commission on Human Rights (UN doc. E/CN.4/Sub.2/204 paras 267-79). Mr. Aureliu Cristescu formulated the “elements of a definition” which have emerged from discussions in the United Nations. The relevant elements are that the term “people” denotes a social entity possessing a clear identity and its own characteristics, and that it implies a relationship with a territory, even if the people in question has been wrongfully expelled from it and artificially replaced by another population.

If these principles are accepted, it would seem that Argentina as well as Britain can make a claim based on the principles of self-determination.

This brief historical review and statement of the rival claims to the islands may serve to explain why the people of Argentina believe so passionately that the islands were wrongfully seized and settled by the British and why their claim is supported by the peoples of Latin America, and many other non-aligned nations.

Their claim does not, of course, entitle Argentina to attempt to seize the islands by force. If such a right were accepted the fragile peace of the world would be even more seriously endangered, having regard to the numbers of disputed territories and frontiers throughout the world.

Notes

- 1) Hon. (later Admiral) George Gray, letter home dated January 1837.
- 2) *The Struggle for the Falkland Islands: A study in legal and diplomatic history.* Julius Goebel, Jr., LL.B., Ph.D. pp. 200-201.
- 3) Letter from Captain Byron to the Earl of Egmont, 24 February 1765.
- 4) Goebel *ibid.*
- 5) *Camden Annales Rerum Anglicae et Hiberniae* (1717), vol. 2, pp. 359-360.
- 6) Goebel *ibid.*
- 7) Vattel *Droit des Gens* (Lond. 1758) bk 1 c 18 paragraph 208.
- 8) Hon. (later Admiral) George Grey, letter home dated 1st November 1836.
- 9) Hon. (later Admiral) George Grey *ibid.*
- 10) Peace Handbooks, issued by the Historical Section of the Foreign Office.
- 11) *The Economist*, April 10, 1982, p. 29.
- 12) An Argentine text “based on previous publications of the Public Information Secretariat of the Presidency of the Nation, with the advice of Rear-Admiral Laurio Destefani and Professor Dr. Calixto Armas Barea”.
- 13) *Le Monde Diplomatique*, June 1982, and releases obtained from the Argentine Mission to the UN in Geneva.
- 14) Release obtained from the UK Mission to the UN in Geneva.

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V. THE MALVINAS CONFLICT : A GEOPOLITICAL ASSESSMENT

*by Julio Barreiro**

While the consequences of the Malvinas conflict are being discussed in different international diplomatic instances including the United Nations and the Organization of American States, a power alien to the Latin American continent is maintaining troops, naval forces, nuclear weapons and military aircraft in the South Atlantic, where it has decreed a permanent “zone of exclusion”.

At the time of this writing, the Argentine vessel “Bahia Blanca” is leaving the French west coast harbour of Saint Nazaire, with a cargo of an undisclosed number of *Exocet* missiles and five Super Etendart war planes which the Mitterrand administration has just sold to the Argentine military government. The protests of Mrs. Thatcher’s government against this sale of arms by the French government, were countered by the latter with the argument that the sale had been contracted before the commencement of the conflict in the South Atlantic. But no one can guarantee that what was contracted “before” will arrive “after”, since in accordance with the procedural formalities of international law, the Malvinas war is not terminated. Only a “ceasefire” has been declared. Moreover, the English press recently reported that British commandos belonging to the Special Service Units (SAS) are at present operating on the Argentine mainland. These reports, which have been reflected in the Argentine media and so far have not been denied, go on to say that the mission of these commandos “is to offset the threat which the most recent shipment of military equipment of French origin might generate to the British troops occupying the Malvinas Islands.”

These latest reports and all they imply are causing deep concern among public opinion in the countries of the “Southern Cone” of Latin America. Even though there are constant pressures imposed on such opinion by the domestic economic and political situation in the respective countries of the area, people continue to be aware of the dramatic consequences which renewed warfare in the South Atlantic could well have for the entire region. Argentine public opinion, for its part, has been so absorbed by the extreme economic crisis that is affecting all sectors of society without distinction; by the problem of the “disappeared” that has taken on political dimensions no one would have dared to predict only a few months ago; and by the inoperative character of the country’s armed forces and their isolation catalyzed by the great military fiasco of the Malvinas, that it can no longer be moved or alerted by news about or appeals concerning an armed conflict that was imposed on the Argentine public as a nightmare-like experience.

As far as the other South American countries are concerned, they have reacted to the South Atlantic conflict in many different ways, due to varying interests which the brevity of this paper does not permit us to analyse. Nevertheless, their respective diplomacies do indicate a fairly articulated common and coherent thread which transcends their self-interest, namely an adverse and condemnatory reaction against the imposition of the colonial interests of England in this region of Latin America. The Malvinas Islands belong to Argentina by indisputable right, and they are an integral part of the sovereign territory of Latin America.

The remaining Latin American countries — with the exception of Mexico whose conduct has been at all times clear and consistent — might have come out more vigorously on the side of Argentina had it not been for the verified direct collaboration rendered by Argentine military intelligence services to plans aiming at the destabilization of the government of Nicaragua or at the thwarting of the liberation forces in El Salvador and Guatemala.

Thus, whichever way one looks at it, and bearing in mind the world of global relations in which we live, the Malvinas conflict has more geopolitical connotations than the sum total of the interests of the countries bordering the area where it took place. Let us recall in passing the extraordinary difficulties we would face if we wanted to map out the limits of that area in accordance with the criteria of modern geopolitics.

It is no longer here a question of areas defined in terms of territorial proximities or even sovereignty-claimed air routes. In the Malvinas case the conflict was fought within a system of intercontinental zones, sea lanes vital for at least two continents. According to General Charles W. Spatz's thesis, based on concepts developed by Mac Kinder after World War II, all great powers, for purposes of planning and implementing their respective international objectives, avail themselves of a geopolitical approach that departs from the notion that modern aviation has created a new geography.

Let us not forget that for military strategists the Malvinas War had great similarities with the Spanish Civil War. Both were used to test new, unknown weapons, as well as to assess the effectiveness in practice of specific military systems and instruments of combat (warships, planes, etc.) which were considered, in theory, to possess the highest offensive capability. At a certain stage in the conflict, control of the airspace became the decisive factor for its outcome. Many strategists may also have reached the conclusion that large military vessels are useless in modern warfare.

The importance of aerial satellites was also notorious for the outcome of this war. The support given to Argentina by Soviet satellites and that given to the British by US-American satellites has been the subject of some discussion, but has not yet been sufficiently debated. Perhaps one day documents will be published on that subject. They will serve to establish the responsibility of the two "super-powers" in this useless war, the highest price for which was paid by the Argentine conscripts — soldiers lacking experience, poorly trained and too young for this kind of contest. They will also help to prove that at present modern geopolitical concepts unfortunately play a role more decisive for war than for peace.

The outcome of the conflict also served Britain to assert rights it did not possess over territories in the Antarctic. Here, then, we face one of the consequences whose importance has not yet been sufficiently taken into account. We refer to the presence

imposed by force of an extra-continental power subjugating legitimate rights of the nations of Southern Latin America over the airspace, territory, resources and wealth of the Antarctic.

It is no secret for anyone that the Malvinas war was propelled by the urge to control the enormous natural resources which surround the territories of the islands. It has already been established that in the near future these territories can become the biggest oil producers in the entire region. Their oil potential is located in two zones : one, in and around the islands themselves, and in particular in the waters between the islands and the continent; and the other embracing the portion of the Antarctic along a line drawn from Port Stanley. The oil potential of this huge region has been estimated at 15 to 50 billion barrels according to the most recent data furnished by the *US Geological Survey*, although the technology needed to tap these resources cannot be attained in the years immediately ahead.

Likewise, the region possesses incalculable maritime resources ranging from a wealth of algae and fish (there are no less than 80 species of the latter) to *krill* (a crustacean similar to prawns with a very high protein content that is already considered to become a very important part of the world population's diet in the near future).

From a military-strategic viewpoint, the Malvinas are of fundamental importance for the defence of the South Atlantic and the military plans of NATO. Long before the present conflict began, it was impossible not to assume that sooner or later the Malvinas would become a military base directly linked to those plans or, at least, to service the defence of the South Atlantic. One of the most serious errors committed by the Argentine military who decided to occupy the Malvinas by force on 2 April 1982, consisted of underestimating the value of the diplomatic struggle waged by former governments until that moment. The ignorance of these military leaders in geopolitical matters and, even more, their grave error in assuming that neither Britain nor the USA would take action to recover and *occupy* by force the territories in dispute is astonishing indeed.

Nor were the consequences of such an outcome foreseen, namely the loss of the political ground gained in the diplomatic battles waged until then and a turning back of the clock of history by several decades for the Argentines as well as Latin Americans at large. This is only an additional nefarious consequence of the military governments our people and their civilian traditions and cultures have to put up with. Now the Malvinas, squarely situated in the Latin American space, will become part of a great arch of defence controlled by NATO that stretches from Gibraltar to the Antarctic, their possession helping to ensure at the same time that the Atlantic sea lanes will not be locked from the South in the event of a possible attack on the Panama Canal zone. At the end of the day, the East-West conflict blurred the North-South one and prevailed over it.

Within the internal contradictions inherent in this conflict, all that remains to be seen is how US-American diplomacy will manage to avert the attempts of the current British government to "thatcherize" the South Atlantic in the wake of a British victory of the Malvinas war, a victory that, instead of being celebrated in "rock" or "Beatles" style, gave rise to ludicrous and anachronistic Victorian festivities.

What could be the perspectives for a just, peaceful and honourable solution of the Malvinas conflict? The United Nations have just voted with an overwhelming majority in favour of a solution through diplomatic negotiations, with an implicit recognition of

Argentine sovereignty over the islands. As expected, that resolution was stubbornly rejected by London.

We fear that the resolution adopted by this international body will bear very little weight in the face of the *fait accompli* brought about in the first place by the historical errors committed by the military junta of Buenos Aires and secondly, by the markedly imperialistic reaction of the conservative government in London. The *status quo* generated by both parties, alien to the real needs of their respective peoples, may serve the interests as perceived at present by the current governments of Argentina and England. This, however, is a problem that is relative, circumstantial and, we would venture to say, almost anecdotal. The real problem has to do with the restoration of the geopolitical equilibrium of the region, coupled with the imperative necessity to remove all risk of a modern war within this region, which carries with it the possibility of a nuclear confrontation. Another development that needs to be avoided, one that may be the least apparent to public opinion but which is not less dangerous, is the conversion of the whole Malvinas area into a base for missiles, carrier systems and all sorts of devices of nuclear destruction, which would undermine *de facto* the provisions of the Tlatelolco Treaty, designed to achieve the denuclearization of Latin America.

Another substantial problem is to prevent an arms race among the largest countries within the region itself (Brazil, Argentina, Peru), which would aggravate the dramatic trends of underdevelopment and the critical poverty afflicting their populations.

Yet one cannot harbour much hope of finding a solution to these problems when their worst enemy is the USA's Latin America policy and practice. Unfortunately, there is insufficient space here to analyse the political ambiguity exercised by the Reagan administration throughout the entire Malvinas conflict, in addition to its blatant, systematic intervention during the war by providing logistic support to the British armed forces.

When the conflict began, the ideological positions adopted by the Argentine government emphasized on all occasions and in all diplomatic encounters that this struggle was one more aspect of the North-South confrontation. Thus, the argument went, it was necessary to bring the neo-colonial pretensions of the British to a halt through Latin American solidarity. And this argument, which did contain an element of truth, unfortunately tended to sound hollow from the lips of the spokesmen of a dictatorial and oppressive regime.

The United States took a pragmatic stand which seemed to support the Argentine position, while awaiting a solution to the conflict through diplomatic channels, but without pronouncing itself as to the substance of the issue. US interests were dual at the time : on the one hand, to back South American neighbours who in turn were supporting the USA in the Central American conflicts and, on the other, not to imperil relations with the most powerful western NATO ally, i.e. Great Britain.

But when the moment of truth came and the arrogant stubbornness of the Buenos Aires military junta raised the likelihood of a formidable military fiasco in the Malvinas, the United States reacted in the same way it has always done over the last decades.

The USA continues to believe that the main contradiction, not only affecting itself but also the entire Latin American continent, is the one between East and West. This is why

we noted that a conflict which ideologically had started as a North-South confrontation, was diverted and utilized for new schemes of redeployment of military power within the framework governing the East-West contradiction.

The various ways in which the structures of the OAS (Organization of the American States) creaked during those weeks was a consequence of the little bit of fresh wind that had penetrated it. The Latin American solidarity announced and advocated (though not achieved at the time) stemmed, on the one hand, from the fact that indeed the case in point was one of the many contradictions between the North and the South and on the other, from the fact that this case was another of those we have been unable so far to resolve due to our underdevelopment and political weakness.

At the height of the crisis, a prominent Argentine diplomat went so far as to state : “The United States has global interests and objectives that do not necessarily coincide with those of the Latin American countries.”

But in turn, what did Argentine policy contribute towards an honourable solution to the conflict ? The most capable political analysts concur in pointing out (although they do not always dare to say so) that very little can be expected from that policy, be it in the Malvinas conflict or in other serious questions affecting the country and the southern region, as long as the Argentine military government continues to suffer from the malady of “double diplomacy”. Recently an Argentine political leader publicly stated : “The Armed Forces have no right to jeopardize the dignity of our people and to expose it to world public opinion as the accomplice of an invasion of Nicaragua.”

Geopolitics enters into this too. Yet there are many other instances of this double diplomacy, one kind taking place via a normal channels, the other handled by the military, with broader ramifications : the Beagle Islands; Cyprus-Itaipú; sending troops to the Sinai; calling upon non-aligned countries for support and then ignoring them; proclaiming non-intervention in Bolivia and then supporting Carcia Meza; condemning Apartheid, yet being one of the few countries that maintain a military mission in South Africa; and so on. The very same government referred to in these examples also voted in the United Nations for the self-determination of Puerto Rico and supported the nomination of Nicaragua as a member of the UN Security Council... not to mention, of course, the duplicitic games with the Soviet Union, of which some evidence has already leaked to the public.

That double diplomacy which is also reflected in the handling of Argentine internal affairs, at the end of the day will decree the ultimate instability of this political power. Both the British and the US-Americans are well aware of this. And that is why, even beyond the known military actions during the Malvinas conflict, “the northern allies” played their cards with confidence and well.

When the Argentine Foreign Minister returned to Buenos Aires, following a UN resolution favourable to Argentina (asking that negotiations over the Malvinas continue via diplomatic channels), he said in a statement to the press that “a restoration of democratic normality in Argentina would greatly help it in the case of the Malvinas and in regard to its image abroad.”

And this is the only possible prospect for a peaceful, just and honourable solution to the conflict of the Malvinas. There is awareness that a civilian government, democratically

elected by the people, never would have embarked on the military adventure of 2 April 1982.

The Malvinas conflict will not be the only one we shall face in the coming years if the countries of the Southern Cone do not promptly rid themselves of that historical disgrace called military dictatorship.

Buenos Aires, November 1982

** Julio Barreiro is a Latin American Member of the Commission of the Churches on International Affairs.*

VI. SERMON PREACHED BY THE ARCHBISHOP OF CANTERBURY AT THE FALKLAND ISLANDS SERVICE IN ST. PAUL'S CATHEDRAL, 26 JULY 1982

The first note in this service is thanksgiving. We began with particular thanksgiving for the courage and endurance of those who fought in the South Atlantic and that is also the starting point for my sermon.

What I have heard about the conduct of the British forces in and around the Falkland Islands has moved and heartened me. I have experienced battle myself and know that it is no mean achievement to preserve the restraint and display the courage shown by so many of those involved in this conflict. I was particularly impressed by the report of one journalist just returned from the Falklands. He admitted that he had started the campaign with a fairly standard stereotyped view of the forces — effete officers leading unreflective men. He was converted by the Falklands experience and returned with a deep respect for those who had fought bravely, without turning into “automata”. He was moved by the mature way in which grief was openly expressed over the loss of comrades and admired the lack of rancour shown in attitudes towards the enemy. Another eye witness had described to me the determination shown at every level to achieve objectives with the minimum use of force. At the hard fought battle of Goose Green the reaction was not the conquerors’ triumph, but “thank God it’s stopped”. It is right to be proud of such men.

There is much to give thanks for in all this now that the attempt to settle the future of the Falkland Islanders by armed invasion has been thwarted, but the men who served in this campaign would be the first to say that while we are paying tribute to the armed forces we should not forget the perseverance and courage of those who have been defending the lives and laws of the citizens of this country in Northern Ireland over a number of years.

While giving thanks, however, we also mourn for grievous losses. Thank God so many returned but there are many in this cathedral who mourn the loss of someone they love and our hearts go out to them.

They remind us that we possess the terrifying power for destruction. War has always been detestable, but since 1945 we have lived with the capacity to destroy the whole of humankind. It is impossible to be a Christian and not to long for peace. “Blessed are the peace-makers for they shall be called the Sons of God.” This was one of the themes to which the Pope repeatedly returned during his visit to this country. His speech in Coventry was particularly memorable when he said “war should belong to the tragic past, to history. It should find no place on humanity’s agenda for the future.”

I do not believe that there would be many people, if any, in this cathedral who would not say amen to that. War is a sign of human failure and everything we say and do in this service must be in that context. The problem is that war belongs to the tragic present as well as to the tragic past. At the beginning of this century in a noble book which deserves re-reading, "The Great Illusion", by Norman Angell, the irrational character of war in a modern world was precisely described. The thesis is that in a world of economic interdependence you cannot injure another state without damaging your own interests. We flourish and become prosperous, not by raiding and pauperising our neighbours, but by building them up as ever better markets for our manufactures.

Yet war, demonstrably irrational and intolerable, has left a terrible mark on this century, it has claimed tens of millions of victims and even now occupies some of the best talents and resources of the nations. The great nations continue to channel their energies into perfecting weapons of destruction and very little is done to halt the international trade in arms, which contributes so much to the insecurity of the world. In the most heavily armed area, the Middle East, every day seems to bring fresh bad news of man's willingness to resort to the irrational and the intolerable in pursuit of his territorial and ideological ambitions.

Angell was writing at the end of a period of relative peace. We cannot be even as sanguine about the human future as he was. Our hope as Christians is not fundamentally in man's naked goodwill and rationality. We believe that he can overcome the deadly selfishness of class or sect or race by discovering himself as a child of the universal God of love. When a man realises that he is a beloved child of the creator of all, then he is ready to see his neighbours in the world as brothers and sisters.

That is one reason why those who dare to interpret God's will must never claim him as an asset for one nation or group rather than another. War springs from the love and loyalty which should be offered to God, being applied to some God substitute, one of the most dangerous being nationalism.

This is a dangerous world where evil is at work nourishing the mindless brutality which killed and maimed so many in this city last week. Sometimes with the greatest reluctance force is necessary in order to hold back the chaos which injustice and the irrational element in man threaten to make of the world. But all is not lost and there is hope.

Even in the failure of war there are springs of hope. In that great war play by Shakespeare Henry V says "there is some soul of goodness in things evil, would men observingly distill it out." People are mourning on both sides of this conflict. In our prayers we shall quite rightly remember those who are bereaved in our own country and the relations of the young Argentinian soldiers who were killed. Common sorrow could do something to re-unite those who were engaged in this struggle. A shared anguish can be a bridge of reconciliation. Our neighbours are indeed like us.

I have had an avalanche of letters about this service. Some correspondants have asked "why drag God in" as if the intention was to wheel up God to endorse some particular policy or attitude rather than another. The purpose of prayer and of services like this is very different and there is hope for the world in the difference. In our prayers we come into the presence of the living God. We come with our very human emotions, pride in achievement and courage, grief at loss and waste. We come as we are and not just

mouthed opinions and thanksgiving which the fashion of the moment judges acceptable. As we pour into our prayer our mourning, our pride, our shame and our convictions, which will inevitably differ from person to person, if we are really present and really reaching out to God and not just demanding his endorsement, then God is able to work upon us. He is able to deepen and enlarge our compassion and to purify our thanksgiving. The parent who comes mourning the loss of a son may find here consolation, but also a spirit which enlarges our compassion to include all those Argentinian parents who have lost sons.

Man without God finds it difficult to achieve this revolution inside himself. But talk of peace and reconciliation is just fanciful and theoretical unless we are prepared to undergo such a revolution. Many of the reports I have heard about the troops engaged in this war refer to moments when soldiers have been brought face to face with what is fundamental in life and have found new sources of strength and compassion even in the midst of conflict. Ironically, it is sometimes those people who remained at home, whether supporters or opponents of the conflict, who continue to be most belligerent in their attitudes and untouched in their deepest selves.

Man without God is less than man. In meeting God a man is shown his failures and his lack of integrity, but he is also given strength to turn more and more of his life and actions into love and compassion for other men like himself. It is necessary to the continuance of life on this planet that more and more people make this discovery. We have been given the choice. Man possesses the power to obliterate himself, sacrificing the whole race on the altar of some god substitute. Or he can choose life in partnership with God the Father of all. I believe that there is evidence that more and more people are waking up to the realisation that this crucial decision peers us in the face here and now.

Cathedrals and churches are always places into which we bring human experiences — birth, marriage, death, our flickering communion with God, our fragile relationships with each other, so that they may be deepened and directed by the spirit of Christ.

Today we bring our mixture of thanksgiving, sorrows and aspirations for a better ordering of this world.

Pray God that he may purify, enlarge and re-direct these in the ways of His kingdom of love and peace. Amen.

VII. AN ANALYSIS OF CHURCH REACTIONS

by Roger Williamson

(Excerpt of a document written as a Division of International Affairs background paper for debate at the British Council of Churches Assembly)

One claim which cannot be sustained is that the British Churches were silent over the Falklands issue. In an earlier study (internal BCC document), I tabulated about fifty British Church statements — made in April and May. This did not include statements made at local or regional level (e.g. regional synods) but only statements by Church leaders or national bodies. Study of the statements shows that there is a wide range of opinion reflected from a pacifist position to a qualified, but nonetheless clear support to the military action by the Task Force. It is not surprising to find that the BCC statements fall into an intermediate position.

This section seeks to give an account of the steps taken by the BCC in responding to the crisis. The crisis was handled within the Division of International Affairs, which held extra meetings of its Standing Committee in order to formulate policy. The Standing Committee is mainly composed of Social Responsibility and International Affairs Officers of the major denominations, a representative of the R.C. Bishop's Commission for International Justice and Peace and DIA staff.

It should also be noted that close liaison — including invitation to these meetings — was maintained with the offices of the Archbishop of Canterbury and Cardinal Hume.

The extensive consultation process involved meant that the first public DIA statement was not made until 23 April (press release issued by the DIA after consultations in the Standing Committee, and cleared with the General Secretary, Dr. Philip Morgan, and, in addition, two vice-Presidents of the Council — Dr. D.S. Russell and Mr. David Temple.)

By this time, there had been a number of statements from Church bodies and Church leaders which diverged widely in their perception of the situation and the appropriate response. The *South American Missionary Society* issued the first statement received by the BCC. This statement, whilst in no way condoning Argentine military action, sought to make the British public aware of the strength of feeling on this subject in Argentina and, indeed, Latin America.

“The Argentinians view the Falklands much as we would view the Isle of Wight. Because of these national convictions taught from school days and shared in some measure by people of other South American Republics, Britain cannot assume that a new military engagement could be limited to a small area of the South Atlantic. There would be the prospect of a very grave escalation and little hope of any military solution which would serve the interests of surviving Falkland Islanders” (Press statement by SAMS 6.4.1982).

The danger of wider Latin American involvement was real enough although in the event it was not forthcoming to the degree which might have been anticipated.

The first statement by a denominational leader was by Dr. Kenneth Greet, Secretary of the Methodist Conference on 8 April. His early comment following the launching of the Task Force with the likelihood of military action described it as an “anachronistic folly”. In an additional statement he said :

“The resort to armed conflict would represent a quite inexcusable failure to find a satisfactory diplomatic solution to a longstanding problem. That Britain’s claim to sovereignty seems to rest mainly on the fact that we have been in the Falklands for 150 years can scarcely be satisfactory to those who question the morality of many of the colonising adventures upon which the building of our Empire depended.

The actions of the British Government have displayed an insufficient regard for the realities resulting from the changed position of Britain in the world. There is need now for much greater willingness to find an honourable compromise and to use the full offices of the United Nations.”

Other Church statements which preceded the DIA press statement included :

Quaker Peace and Service (8.4.1982) emphasizing the importance of UN Security Council Resolution 502, which should be used as a basis for reconciliation, rather than risking the loss through military action of the strong moral position given by this resolution.

Church of Scotland international section of the Church and Nation Committee (13.4.1982) welcoming Resolution 502 and calling for prayer for a “just and peaceful settlement”.

The Archbishop of Canterbury’s first public statement on the crisis (14.4.1982) was made in a debate in the House of Lords. In it, he emphasized “the overwhelming importance of international law” and “the right to self-determination of peoples” as being the “two most important principles which are at stake in this matter.” With respect to the Government’s response the Archbishop said “we would have been gravely in breach of our moral duty if this country had not reacted as it did in this matter.” The kernel of the Archbishop’s position was summarised in his concluding passage :

“We all pray that the use of force will be unnecessary, but let us be clear about what our objective must be. It is that the United Nations resolution must be obeyed so that a way can be found which safeguards the rights of the Falkland Islanders to live their lives in conditions of their choosing. Those are just aims, and it is right that we should be united and resolute in pursuing them.”

The first BCC/DIA Statement (23.4.1982) comes at this point in the chronological sequence.

It was also clear by now that Church leaders had widely differing perspectives. Following much consultation and re-drafting, the DIA statement (23.4.1982) and Aide Memoire (21.4.1982) (full texts appended) were issued. They were an attempt to list the range of alternatives open to the government through the UN. In retrospect, the Press Statement had one weakness. The paragraph dealing with the possible use of force, still a future eventuality at that stage, was open to a variety of interpretations. The DIA's formulation reads: "Should current diplomatic initiatives fail, we urge HMG not to launch an armed attack until all remedies available in the United Nations have been thoroughly explored." This was then spelt out by reference to Article 41 which could involve *non-military sanctions* against Argentina and Article 42, involving possible use of a "UN Force to undertake the enforcement of the Security Council's resolution." In the event, the government did not invoke either of these articles. Instead it proceeded to employ the Task Force. The weakness of the DIA statement was that it was revealed as being based on an inadequate analysis of what might happen and what the DIA's response would be *if the government chose not to exhaust all remedies available under UN auspices*. The government could (and did) argue that they had tried the UN machinery for six weeks without success and now could wait no longer. The DIA press statement did not take a clear position against the use of force (being prepared to countenance a UN Force, or as a last resort, the possible use of the Task Force). The divergence between a government understanding of force as a last resort (after six weeks of talking) and the BCC interpretation (after exhausting all possible remedies including rigorous and sustained economic sanctions) was not sufficiently spelt out.

In retrospect, it seems that this advice, correct though it may have been, seriously overestimated the credence given to the UN by the British Government. John Nott's attitude to the UN implies that it was an encumbrance: "When we got ashore and the United Nations was out of the way, we had a clear objective again, and it became much easier." (John Nott in the Terry Coleman interview: *The Guardian*, 13.9.1982.)

At the time that it was issued, the BCC/DIA press release received no national media attention — in spite of its careful formulation of the possibilities through the UN. These mechanisms available through the UN had received very little coverage at this stage. The Aide Memoire and the Press Statement were sent to the Prime Minister and the leaders of the three Opposition parties.

Ecumenical responses from overseas

At this stage, the international ecumenical movement and the Argentine Churches made their first contact with the BCC. A telex dated 21.4.1982 was received from the WCC in Geneva. Philip Potter (General Secretary) relayed to the BCC the text of a telegram sent by Argentine Church leaders to Prime Minister Thatcher and President Galtieri. The WCC added a statement calling for "peace with justice", and stating that "the use of military force by any side cannot be accepted."

The BCC/DIA statement was influential in discussions within member churches, even though it was not publicized in the national media. Thus the URC Church and Society Statement, specifically endorses the BCC/DIA position, and the resolution of the Baptist Union Assembly shares the same major concerns.

The BCC then received a further communication from Argentine Church leaders, from the Protestant Consultative Council of Churches (dated 29.4.1982). This emphasized the following points :

- a. that the overriding concern was to stop escalation;
- b. that the recovery by Argentina of the Malvinas was a just aim;
- c. that it was to be regretted that delay by the UK Government and the use of armed force by Argentina destroyed the possibility of a peaceful settlement;
- d. that Argentina's Protestants felt a tension between the justice of recovering the islands and their vocation for peace;
- e. that there was a need for deeper analysis when more information was available.

The letter also emphasized that Argentina's Protestants were critical of their government when they felt that this was necessary, e.g. disappearances, suspension of democracy.

Other significant statements made in the last days of April and the first week of May included the following :

- *Cardinal Hume* (28.4.1982) detailed the just war criteria but did not give a clear ruling in this case.
- *The Church of England International Affairs Committee* (29.4.1982) urged that the right of self-defence should not be exercised until all diplomatic means were exhausted.
- *The Council of Churches in Wales* (30.4.1982) which welcomed Resolution 502, but expressed its concern at the "jingoistic and militaristic spirit in the British people and their leaders".
A letter was also addressed to Argentine Christians by the Council of Churches in Wales.
- *The Pope* made various statements concentrating on the themes of world peace, the danger of escalation and the role of the UN.
- *The Archbishop of Canterbury* (2.5.1982) gave clear but carefully formulated support to the dispatch of the Task Force.
- *The Moderator of the Church of Scotland* (5.5.1982) urged the Prime Minister to respond positively to the mediatory efforts of the UN Secretary General.

When the BCC Executive Committee met on 6 May, it undertook two actions. It issued its own statement endorsing the BCC/DIA Statement (23.4.1982). It also urged the government to pursue negotiation whilst exercising all possible restraint and doing all in their power to avoid the further use of force. This was after the sinking of Belgrano (2.5.1982) and Sheffield (4.5.1982). The Executive of the BCC also authorized the General Secretary, Dr. Morgan to write a preliminary reply to the Consultative Council of

Argentina, emphasizing that two appeals had already been made to the Government urging maximum restraint before any use of force and indicating the willingness of the British Churches to have “direct contact” with Argentine Christians in order to discuss the crisis. The task of preparing a full reply to the letter of the Consultative Council (29.4.1982) was referred back to the DIA. On 7 May, a further telex was received from the WCC urging continued efforts under UN auspices to effect a ceasefire and instigate serious negotiations.

Reactions in mid-May: Preparations for the Pope’s visit

In the intervening period much attention focussed on the proposed visit of the Pope, which was in doubt almost until the day he came to Britain. The mass celebrated by British and Argentine Cardinals in Rome was a powerful sign of church unity and reconciliation. The *URC* Assembly passed its resolution (18.5.1982). On the same day the *Church of Scotland* Assembly passed a resolution expressing broad support for the Government’s handling of the crisis. *John Newton* (President of the Methodist Conference) and *Kenneth Greet* (Secretary of the Conference) wrote to the Prime Minister (21.5.1982) urging that armed force beyond that necessary to enforce the blockade should be avoided and that further loss of life would not be justified. Various messages were received from *Latin American* (including Argentine) *Protestants*. The Archbishop of Canterbury made reference to the Falklands conflict in a sermon in Wesley’s Chapel (23.5.1982) underlining his judgment that the use of force was justified as a last resort in this instance. The *Anglican bishops* (26.5.1982) continued to hope for a solution through the UN.

At another special meeting of the DIA Standing Committee (27.5.1982) the text of the full BCC reply to the Consultative Council of Churches in Argentina was finalized. This grouped the response to the Consultative Council under three headings :

- *Points of agreement* — e.g. regret that armed conflict had broken out, that negotiation had failed, grief over loss of life on both sides.
- *Dilemmas* : The tension between decolonisation and self-determination response (self-defence) in the light of non-compliance with Resolution 502.
- *Points of disagreement* : e.g. acquisition of land by force against wishes of inhabitants, importance of UN Security Council, sovereignty of the islands.

Late May: Last Church efforts before the final assault

The letter was dispatched on 28 May, and on the same day the BCC General Secretary also sent an appeal to the Prime Minister asking that the *Draft Interim Proposals* (*cease-fire, withdrawal of troops, installation of a UN Governor*) be re-offered prior to the final assault.

On Friday (28.5.1982) the Pope arrived in London, and the BCC Spring Bank Holiday Conference began. The following day, Goose Green and Darwin were re-taken. On Saturday (29.5.1982) Professor Jose Miguez Bonino arrived in Britain as a member of the WCC pre-Vancouver visiting team. Professor Miguez Bonino is one of the six Presidents of the WCC and a Methodist theology professor. Over the long weekend he spoke at the Spring Bank Holiday Conference, gave a press conference in London and met with

members of the DIA Standing Committee, the CFWM Latin America and Caribbean Committee and other invited participants at Methodist Central Buildings. Professor Miguez Bonino's visit was of the utmost importance both as a tangible sign of the fellowship of the Church in time of war and also because of the way he expounded the thoughts and feelings of our fellow Christians in Argentina. During discussions it was agreed that a further meeting with Professor Bonino and colleagues should take place in July at the WCC Central Committee meeting.

The Pope's visit and the final attack

The *visit of the Pope* made a profound public impact. He was welcomed by massive crowds and made reference of the need for peace in most of his major speeches. In particular, at Coventry, chosen because of its association with the destruction of World War II, the Pope made a heartfelt cry of peace. "Today, the scale and the horror of modern warfare, whether nuclear or not, makes it totally unacceptable as a means of settling differences between nations."

On 8 June, the Prime Minister stated that Britain would not return to the UN to try to secure a ceasefire and it was clear that it was impossible to influence the political process further and that the Government was intent upon military victory. On 12 June, the final attack on Port Stanley began and by 15 June the surrender document was signed.

At the Central Committee meeting of the World Council of Churches in July (19/28.7.1982) the scheduled meeting of Argentine, British and Irish participants, with WCC staff and other invited colleagues took place. On behalf of those present, Philip Morgan and Jose Miguez Bonino prepared a report containing the following elements :

- Regret that negotiation had failed, that there were misperceptions on both sides, that armed conflict broke out.
- Regret that Christians in the countries involved had failed to recognise the potential dangers of the situation and to use the ecumenical fellowship to try to avert such danger.
- It was recognised that "the conflict has not resolved the problem which caused it" and that there is a need for peace and reconciliation.

Finally, the members of the group called upon the Consultative Council of Churches in Argentina, the British Council of Churches and the World Council of Churches to continue in discussion to the end of discovering a "just and peaceful solution to the problem."

The St. Paul's Service (26 July)

The final part of this chronological survey must belong to the Falkland Islands Service in St. Paul's Cathedral on 26 July. The disagreement between State and Church which developed, raised profound theological issues. In short, the Church refused to respond to the Prime Minister's earlier injunction to "rejoice". The issue was expressed as follows by Maurice Sinclair (South American Missionary Society) and Donald Ford (Evangelical Union of South America) : "Is our God a tribal deity whose dominion

coincides with what remains of the British Empire, or is He the Lord of heaven and earth, to whom all nations owe allegiance?" (*The Times*, 26.7.1982)

One of the points of conflict was the proposed inclusion of the Lord's Prayer in Spanish — concerning which "The Sun" said: "A disgraceful plan for the Lord's Prayer to be read in Spanish was, thankfully, dumped." The Archbishop's sermon contained following elements:

He expressed:

- "Thanksgiving for the courage and endurance of those who fought in the South Atlantic" and also the courage of those who have been "defending the lives and laws of the citizens of this country in Northern Ireland." He also specifically mentioned the "lack of rancour shown (by Britain troops) in attitudes towards the enemy."
- Mourning for those who were lost.
- "The terrifying power for destruction" of modern war. This section included a quotation from the Pope's Coventry address.
- The need for reconciliation and our need for God to "enlarge our compassion and purify our thanksgiving."

The criticism of the Service from within the Conservative party "totally misunderstood the role of the Christian Church" in the opinion of the Very Rev. Alan Webster, Dean of St. Paul's.

VIII. CHURCH STATEMENTS

VIII. 1. CABLE FROM CHURCHES IN ARGENTINA TO PRIME MINISTER THATCHER AND PRESIDENT GALTIERI, 21 APRIL 1982

In the name of Jesus Christ, Prince of Peace, we fervently urge the governments of Argentina and Great Britain to refrain from all military action which would endanger precious human lives and world peace. Our churches will pray and work without ceasing for a peaceful, just and permanent solution to the dispute, confident in the help of God, our Lord.

Signed: Monsignor Mario Serra, president of the Episcopal Commission for Ecumenism of the Argentine Roman Catholic Church; Bishop Richard Cutts, Anglican Church; and Bishop Federico J. Pagura, Evangelical Methodist Church in Argentina.

VIII. 2. STATEMENT BY THE WCC GENERAL SECRETARY, 21 APRIL 1982

The WCC, with its long-standing commitment to peace with justice, reiterates the concerns expressed by the churches of Argentina for an avoidance of military confrontation, in favour of a negotiated solution to the present crisis. The use of military force, by any side, cannot be accepted, especially as such acts of force are becoming an alarming pattern worldwide. We are convinced that any attempt to solve the dispute through more violence and bloodshed will be to the detriment of both parties, including the inhabitants of the islands. Violence runs the risk of escalating into a major conflagration, further exacerbating world tensions and the security of all peoples.

We urge the churches of Great Britain and Argentina to communicate to their respective governments the concern of the worldwide ecumenical community and to press them to pursue without ceasing the path of negotiation. Please be assured of our prayers that God will grant the leaders involved in the negotiations the wisdom to come to a peaceful and just solution.

Philip Potter
General Secretary

**VIII. 3. AIDE MEMOIRE ON THE FALKLAND ISLANDS (ISLAS MALVINAS),
BRITISH COUNCIL OF CHURCHES, DIVISION OF INTERNATIONAL
AFFAIRS, 21 APRIL 1982**

1. The Standing Committee of the Division of International Affairs considers that the Falkland Islands problem should be resolved in accordance with international law. This includes, but is not confined to, Resolution 502 of the UN Security Council. This Resolution includes words from Chapter VII of the UN Charter (“... there exists a breach of the peace...”) and is therefore binding on all UN Members. This is only the second time since 1946 in which the Security Council has determined that peace has been breached. The previous occasion followed the outbreak of the Korean War in 1950.
2. The operative paragraphs of Resolution 502 are as follows : —
 - i. Demands an immediate cessation of hostilities;
 - ii. Demands an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);
 - iii. Calls on the governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the United Nations.
3. The purposes and principles of the UN referred to in the Resolution are to be found in Articles 1 and 2 of the UN Charter. In addition to the Resolution and its general reference to “purposes and principles” there are three Articles of the UN Charter which are especially relevant. Articles 51, 55 and 73.
4. *Article 51 asserts a right*, the right of self-defence “if an armed attack occurs”. This right is subject to two provisos :
 - a) “... until the Security Council has taken measures necessary to maintain international peace and security...”
 - b) “measures taken... in the exercise of this right.. shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council...”The right of self-defence is the only “right” mentioned in the Charter, other than general references to “the rights and benefits” and the “rights and privileges” of UN Membership.
5. Article 51 asserts a legal right, but it does not attempt to determine whether and in what circumstances it is prudent or moral to exercise that right. Christians taking the pacifist position believe that *any* use of armed force, even in pursuance of a legal right, would be inconsistent with Christian discipleship. Even those Christians who can countenance the use of armed force, and who recognize the right to do so in a particular case, still have to consider the wisdom and morality of that case.
6. *Article 55 affirms a principle*, “the principle of equal rights and self-determination of peoples”. The Charter, however, contains other principles. For example, it asserts the sovereign equality of UN Members and states the principle of non-intervention in essentially domestic matters except when applying enforcement measures. It is clear from the wording of the Charter and the practice of the Organization that

different UN principles may sometimes clash. No principle, therefore, can be applied unconditionally without regard for other principles. A principle does not constitute a right.

7. *Article 73 imposes an obligation* on UN Members to transmit to the Secretary-General specified kinds of information on conditions in territories they administer, "whose peoples have not yet attained a full measure of self-government.." (see Article 73e). The UK has regularly submitted information about the Falkland Islands since the early days, but Argentina has consistently disputed British sovereignty. Since 1966 there have been negotiations between the two governments. The UK has offered to take the matter for a ruling to the International Court of Justice but Argentina has not been willing to accept the Court's ruling.
8. There is a range of options, for the future,
 - a) outright British sovereignty;
 - b) outright Argentinian sovereignty;
 - c) shared sovereignty and administration (condominium);
 - d) international administration (on the model of the one-time proposals by the UN for Jerusalem);
 - e) UN trusteeship;
 - f) neutralisation or demilitarisation under the Geneva Conventions and Protocol I;
 - g) transfer to Argentinian sovereignty but the territory to be leased to Britain for a fixed term (comparable to the New Territories adjacent to Hong Kong).

It is believed that the last option (g) was favoured by the Foreign and Commonwealth Office but was unacceptable to the Falkland Islanders.

9. There are UN precedents for :
 - i. replacing invading troops by international forces for an interim period;
 - ii. using UN machinery for testing the opinion of people about the future of the territory in which they live;
 - iii. the imposition by the UN of non-military sanctions and then of military sanctions when resolutions of the Security Council are persistently defied.

The Standing Committee believes that Argentinian forces should withdraw, as Resolution 502 requires, but does not regard the return of British forces as essential if alternative arrangements for security can be found. The Falkland Islanders should have a period of calm during which they can consider a range of options for the future and be given full information about alternative arrangements, in terms of compensation and resettlement elsewhere, for those unable to accept whatever new agreement is arrived at. The British Council of Churches has supported some UN non-military sanctions in the past. It should be stated, when sanctions are imposed, what the violator has to do to have the sanctions removed.

10. In considering the situation the domestic strains in Argentina have to be reckoned with. The dismal human rights record of Argentina has been highlighted by the media in Britain. The already chronic economic plight of Argentina will be further damaged by the imposition of sanctions by the EEC and other nations. A strong case can be made for a major international effort to help Argentina with economic

difficulties once her forces have been withdrawn to reduce the possibility of further attempts by the Junta to distract domestic attention from the internal problems. In the UK, on the other hand, the Government has to reckon with the public conviction that aggression must not be seen to pay and must approach the future in such a way as to deter other impoverished or misgoverned countries from taking similar actions to gain foreign aid.

11. In its meetings the Standing Committee has recognised that there are other aspects of the situation which may have affected the decision to invade the Falkland Islands. (a) It is inclined to believe that the possibility of *offshore oil* has not played a prominent part in the dispute. (b) The desire to gain sovereignty over the Falkland Islands may be a stepping stone to Argentina's larger hope of gaining recognition for its *claim over Antarctica* (also claimed by Chile). It should be noted that any party to the Antarctica Treaty may request a review of its operation after 23 June 1991.
12. The crisis highlights again the folly of selling arms on a straightforward commercial basis without regard for the political and moral implications and contradictions involved.
13. There is an undoubted temptation to want to devise or accept unusual arrangements to resolve a grave problem. The British Government will have to consider the likely implications for other areas of disputed sovereignty such as Gibraltar, Belize, Hong Kong and, even, Northern Ireland. This raises in a sharp form the question of how far the wishes of the inhabitants of the Falkland Islands, and other such cases, can be said to be paramount, especially if those wishes should be provocative or unreasonable.

VIII. 4. PRESS RELEASE OF THE BRITISH COUNCIL OF CHURCHES, 23 APRIL 1982

BCC urges diplomatic solution to Falkland Islands dispute

- 1) Recognising the principle of equal rights and self-determination of peoples (Article 1, paragraph 2, and Article 55, UN Charter) and the obligation of UN Members to settle their international disputes by peaceful means (Article 2, paragraph 3 and Article 33) the Council regrets that prolonged negotiations have thus far failed to resolve the dispute over the Falkland Islands.
- 2) Despite the fact that the sovereignty of the Falkland Islands has long been contested, we recognise that under international law, sovereignty rests with the UK. We therefore deplore the invasion of the islands by Argentinian armed forces.
- 3) The Council welcomes the initial response of the Security Council of the United Nations adopting Resolution 502, which calls for the cessation of hostilities, the immediate withdrawal of all Argentinian forces from the Falkland Islands (Islas Malvinas) and calls on the governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences.

- 4) The Council urges that this resolution, which is binding on all United Nations Members, must be implemented. Recognizing the right of self-defence under Article 51 of the United Nations Charter under which the British task force has been launched, we nevertheless continue to consider it of vital importance that diplomatic initiatives succeed.
- 5) However, should current diplomatic initiatives fail, we urge HGM not to launch an armed attack until all remedies available in the United Nations have been thoroughly explored. In view of the above, should the negotiations not lead to agreement, we urge that :
 - a) the Security Council be reconvened;
 - b) the UK propose that article 41 be invoked, under which the Security Council could decide to impose non-military sanctions against Argentina, so long as she refuses to implement Resolution 502;
 - c) should this course of action fail to achieve the implementation of Resolution 502, Article 42 be invoked, whereby a UN Force would undertake the enforcement of the Security Council's resolution.
- 6) In regard to the future status of the islands, outright British sovereignty or outright Argentinian sovereignty are not the only options. We recognise that the search for a satisfactory solution will be a complex and sensitive process. Two of the factors which must continue to be taken into account are as follows :
 - what are the likely implications of any proposed settlement for other areas of disputed sovereignty, such as Gibraltar, Belize, Hong Kong and Northern Ireland ?
 - is the principle of self-determination to be paramount or are there other principles of equal validity ?
- 7) In conjunction with the implementation of Security Council Resolution 502, the Falkland Islanders require and are entitled to a period of calm, and full information in the range of options available.

**VIII. 5. LETTER FROM THE CONSEJO CONSULTIVO DE IGLESIAS
(CONSULTATIVE COUNCIL OF CHURCHES) IN ARGENTINA TO
FRIENDS AND BROTHERS OF THE ECUMENICAL FAMILY,
29 APRIL 1982**

“Grace to you and peace from God the Father and the Lord Jesus Christ.”

II Thessalonians 1:2

We are sending you this message in the midst of the storm of this difficult moment in which we are living as Argentines because our greatest desire is to keep open channels of mutual information and affirm our fraternal communion in Christ our Lord.

We can imagine the confusion which must exist in your mind as you try to follow the process which we are experiencing, because of the great distance that separates us and the deluge of information, rumors and opinions of all kinds. That confusion can be explained — among other reasons — by several concurrent factors : the contradictory

images that our country has presented to the world in recent decades; the propaganda released by vested interests which are astutely at work in midst of the conflict; and our relative silence since the beginning of the present crisis.

The relative silence which we have maintained until this moment has been due in great part to the expectations created by the mission of the Secretary of State of the United States of America, which we followed with great interest and persevering intercessory prayer. In view of the apparent failure or interruption of this effort and the accelerated development of events, we feel it is necessary to make known our thoughts and our position in this decisive moment for our nation, our continent and the entire world.

Emphases in our respective churches and congregations may differ, but in general terms we affirm the following :

1. There exists among us a firm consciousness that in the recuperation of the Malvinas and South Atlantic islands justice is on the side of our nation, a fact which has been recognised at the highest level of international opinion.
2. We have deplored the fact that the road to a peaceful solution of the dispute has been destroyed by the improper conduct of the British government during years of negotiations with our country, and by the surprise action of the Argentine armed forces.
3. Since that moment we have experienced, as Christians and Argentines, heart-felt and undisguised tension between the justice of the recuperation of our islands (which in the Latin American struggle for genuine independence has profound significance) and our proven vocation of peace and a growing concern for the unforeseeable consequences of an armed confrontation.
4. We are conscious that both within and without the borders of our country there are questions about the reason for, and the timing of the recuperation of territories which had been under negotiation for so long; we are also conscious that from the beginning there have been questions about the motives of the reasons for the extreme measures taken and encouraged by the government of Great Britain. Unfortunately we do not have knowledge of all the elements which form part of these decisions nor are we experts in international politics and therefore able to make rapid and absolute judgements. We believe that this process will provide material for much study and discussion, and that both the English and Argentine governments will be responsible before God, before their people and before history for the decisions made.

“He it is who will judge the world with justice, and try the cause of the peoples fairly.”
(Psalms 9:8)

In summary, as Christians and as Argentines we have no doubts about the justice of the cause represented by the recuperation of our islands. In this respect, we support the position assumed by our government. This does not in any way mean that we agree with other aspects of our government's policy, which on many occasions we have rejected without hesitation. We are convinced that once the present crisis, which has firmly united the Argentine people, is overcome, our government will have to answer the demands of our people, our country's most representative institutions and the Christian churches for

an immediate correction of its social and economic policies which affect especially the most underprivileged of our society; for a long-awaited answer to the problem of the “detained-disappeared” and those who are detained and held without due process of law; for an immediate return to constitutional and democratic bases, issues which can be delayed no longer.

Meanwhile, we sincerely deplore the recent belligerent actions of the government of Great Britain, actions which far from facilitating a solution, obstruct and possibly render useless the best-intentioned efforts for a peaceful solution to the conflict.

In the same manner we deplore the attitude of some European powers which appeared to identify themselves with some of the most just causes of humanity, in support of the colonialist position of the British government, a position which cannot be accepted or justified in the modern world, and even less in our Christian concept of life and history.

On the other hand, we believe that if information about the litigation involving the South Atlantic islands were made more objective and less biased, many would have a very different attitude in this painful conflict. We are encouraged by the understanding and solidarity received from the Latin American republics in response to the recent presentations of the Argentine Foreign Minister before the Security Council of the United Nations and the Assembly of Chancellors of the Organization of American States, presentations which we consider essentially truthful and prudent.

We hope these clarifications help you understand our thoughts, our agonies and our hopes. We confess that all that is left for us is to trust in God and in those organizations and authorities who with genuine concern for justice are willing to help us halt military action which threatens the lives of both English and Argentines and endangers regional, and even world peace. It goes without saying that we are terrified at the thought that Great Britain, the United States, or any other nuclear power, could resort to the use of atomic weapons or poison gases to annihilate a people such as ours which is essentially peaceful and which has never ventured outside its frontiers to make territorial conquests or establish colonial domains in the lands of others. We ask ourselves if our brother Christians, particularly in Europe and North America, have considered what this could mean as an antitestimony of nations which pride themselves in Christian tradition and the defence of human life and values.

For this reason we beg you to meditate seriously on these points which we have expressed with all possible frankness. We ask you to join us in a permanent prayer vigil before Him who through Jesus Christ wants to

“... banish chariots... and war horses... and the warrior’s bow” and “... speak peaceably to every nation, and extend his rule from sea to sea...”

(Zechariah 9:10)

We ask you to urgently multiply your efforts to impede an escalation which to us seems to be reaching demonic proportions.

We believe in God, Creator of heaven and earth, who has redeemed us with unmerited favour through Jesus Christ; we trust in His judgement and His justice, and it is in His love, from which nothing nor no one can separate us, that we seek our refuge.

We greet you with brotherly love in Christ who is our Peace and our Eternal Hope.

Luis PARRILLA
Disciples of Christ
Secretary

Federico J. PAGURA
Methodist Evangelical Church in Argentina
President

Rodolfo R. REINICH
Evangelical Church in Rio de la Plata

Raul DENUNSIO
United Evangelical Lutheran Church

Humberto REYES
Reformed Church in Argentina

Humberto BERTON
Waldensian Church

VIII. 6. LETTER TO THE CONSULTATIVE COUNCIL OF CHURCHES IN ARGENTINA AS AUTHORISED BY THE BCC EXECUTIVE COMMITTEE ON 6 MAY 1982

Dear Sisters and Brethren in Christ,

At this time of conflict between our nations the members of the Executive Committee of the British Council of Churches greet you in the name of our Lord Jesus Christ.

We share with you in the suffering of these days. We regret more deeply than words can say the loss of life and the escalating violence in this conflict.

We have received, through the World Council of Churches, your message signed by the leaders of the Anglican, Methodist and Roman Catholic churches in Argentina. The concern they express we fully share. On 23 April we called upon our own government to work for a diplomatic solution refraining from the use of force until every possible avenue of peaceful negotiation had been tried. Again, yesterday, we renewed our appeal, urging all possible restraint and the avoidance of any further use of force.

The circular letter of the Consultative Council of Churches of 29 April has come to us. We will give this urgent consideration within our Council.

We believe that Jesus Christ has brought us together in one body. With you we share in continuing prayer. With you we seek to know the peace of Jesus Christ so that we may be guided in the ways of peace in all our decisions and actions.

We are grateful for your letters. We hope we may have direct contact with you in the coming days, with the opportunity of discussing our shared agonies and concerns. Pray for us, as we pray for you that the justice and love of God may rule our lives and the affairs of our nations.

Your sisters and brothers in Christ. On behalf of the Executive Committee,

Rev. Dr. Philip Morgan
BCC General Secretary

VIII. 7. TELEGRAM FROM THE WCC GENERAL SECRETARY TO THE SECRETARY GENERAL OF THE UNITED NATIONS, 7 MAY 1982

The World Council of Churches, alarmed by the rapid escalation of military confrontation between the United Kingdom and Argentina in the South Atlantic, supports all you are doing to effect a ceasefire agreement and serious negotiations under UN auspices. In a statement of 21 April 1982, the World Council of Churches expressed the churches' conviction "that any attempt to solve the dispute through more violence and bloodshed will be to the detriment of both parties, including the inhabitants of the islands." Churches all over the world fervently pray that efforts for peaceful settlement of the dispute will be fruitful.

Respectfully yours,

Philip Potter
General Secretary

VIII. 8. LETTER FROM THE BRITISH COUNCIL OF CHURCHES TO CHURCH LEADERS IN ARGENTINA, 28 MAY 1982

Dear Sisters and Brethren in Christ,

We greet you in the Name of the Lord, Jesus Christ whose love unites us as brothers and sisters in Him.

We deeply appreciate the loving and searching communications received from the churches in Argentina. We have given detailed consideration to the letters mentioned below.

Initially there was the message of 21 April, calling upon our respective governments to refrain from all military action which would endanger human lives and world peace, signed by the heads of three church bodies in Argentina : the Episcopal Commission for Ecumenism of the Roman Catholic Church, the Evangelical Methodist Church and the Anglican Church.

Then on 29 April the Consultative Council of Churches in Argentina wrote to convey to us its understanding of the Falklands-Malvinas crisis and invited us to multiply our efforts to prevent an escalation of the conflict.

More recently the BCC has seen the 5 May letter from the Evangelical Baptist Convention and the telegram of the Council of Methodist Churches of Latin America, dated 21 May.

You will have received the letter dated 6 May which I wrote as General Secretary on behalf of the British Council of Churches' Executive Committee. The BCC has prepared a dossier on the many statements made by churches, church bodies and Christians in Britain and elsewhere, a set of which has been sent to the Consultative Council of Churches. We have incorporated in it messages from Argentina. Just as your letters have helped us better to understand your viewpoint, so we trust that the BCC's Aide Memoire and resolutions of 23 April and 6 May will have presented the BCC's

understanding of events. The correspondence to date reveals areas of agreement and disagreement, as well as what we have called "dilemmas".

Points of agreement

There seems to be agreement between us on the following :

1. Together with you we are committed to pray and work for peace and to seek the mind of Christ
2. Together with you we remember those who are personally involved in the conflict and their families. The tragic loss of life on both sides has caused us deep grief.
3. Together with you we deeply regret that many years of negotiation failed to resolve this dispute and that there were misperceptions on both sides as to the intentions and expectations of the other party.
4. Together with you we deeply regret that armed conflict has broken out between our countries.
5. Together with you we would condemn any use of nuclear or chemical weapons.

Dilemmas

1. The United Nations seeks to realise both the right of peoples to self-determination and the need for decolonisation. The British churches have stressed the former, the churches of Argentina the latter, in the dispute over the Falklands/Malvinas. We now realise that British opinion has not taken sufficient account of the importance attached by the Argentine government and people to what they regard as the decolonisation of the Falklands/Malvinas and their sense of outrage that decolonisation is being resisted. From our perspective we feel that the islanders' right of self-determination (Article 73 of the UN Charter) has not been accepted by the Argentine people and government. News of the occupation of the islands by Argentine forces was greeted by similar outrage in Britain. The contradiction between the call for decolonisation and the declared wishes of the islanders presents both principal parties and the world community with a difficult dilemma.
2. As soon as armed force was used on 2 April, we in the British churches were confronted with a dilemma about the appropriate response, particularly in view of Article 51 of the UN Charter about the right of self-defence after an armed attack has occurred. Security Council Resolution 502 is mandatory and demands "an immediate cessation of hostilities" and the "immediate withdrawal of all Argentine forces" from the islands. The BCC favours the immediate and simultaneous implementation of both these demands so that negotiations on the future of the islands can begin. The dilemma about self-defence persists so long as the two demands of Resolution 502 remain unimplemented. We in the BCC continue to wrestle with this dilemma. While we consider that the British government was within its legal rights in sending a task force in exercise of the right of self-defence under Article 51 of the UN Charter, we continue to urge all possible restraint in the use of armed force and the full use of UN machinery.

Points of disagreement

1. The churches in Argentina claim that sovereignty over the Falklands/Malvinas rests with Argentina and that the capture of the islands on 2 April simply gave reality to a long-standing claim. The BCC, in this and other cases, e.g. the Middle East, does not accept the acquisition of territory by armed force and against the wishes of the inhabitants.
2. It seems that the BCC attaches more importance than the churches of Argentina to the role of the Security Council and other UN agencies in devising and implementing a peaceful solution.
3. In the letter of 29 April, there is a reference to “the highest level of international opinion” declaring justice to be on the side of Argentina. We have noted that the resolution of 28 April 1982 of the Organ of Consultation of the Inter-American Treaty of Reciprocal Assistance asked that, in negotiating a peaceful settlement, account should be taken of the rights of sovereignty of Argentina over the Malvinas (Falkland) Islands and the interests of the islanders. From the point of view of Argentina it is the issue of sovereignty which has caused this dispute, and it would have been possible to refer this question to the International Court of Justice but we understand that neither Argentina nor Britain has proposed this course. According to Article 103 of the Charter of the United Nations, obligations under the UN Charter prevail over all other international obligations, and we do not understand how Resolution 502 of the Security Council can be understood as justifying the taking of the islands by Argentine military force.

We openly recognise the extent to which we as Christians and citizens are all influenced in our attitudes by national, cultural, educational and historical circumstances and our reliance on the media for information, which may be distorted. It is therefore all the more important that we in the British churches remain sensitive to views expressed by our fellow Christians in Argentina, in the Falkland/Malvinas Islands and in the international ecumenical community.

Christians must also be critical of their respective governments when conscience so requires them. The writers of the letter of 29 April have rejected aspects of your government’s policy. We are ready to criticise our government’s policies when necessary.

We are united with you in our calling to be peace-makers and prayerfully to seek for the Kingdom of God and His Righteousness.

We thank you for the warmth of your initiative in entering into dialogue and we trust that our Lord will guide us into deeper relationships and better understanding.

(greeting added by General Secretary)

The Rev. Dr. Philip Morgan
General Secretary (BCC)

VIII. 9. THE FALKLANDS CRISIS : AN ARGENTINE PROTESTANT PERSPECTIVE

Notes from presentations by Professor Jose Miguez Bonino (29 May - 1 June)

The context is set by the preparations for the Vancouver 1983 WCC Assembly, the theme of which is Life and Death. Latin America is an area of much death, of hunger, military dictatorships and oppression, yet Christians in Latin America witness to the joy of life, to the re-discovery of life through Jesus Christ.

From different (UK/Argentina) perspectives, how can we cease to be obstacles in the lives of other people ? What are we doing to each other ? What can we do to help each other ? The ecumenical vision must be pursued and answers sought.

Concerning the conflict

One of the first responses by Argentine Church leaders was to get in touch with British Church leaders to communicate their distress and their hopes. The only Christian way to go about this was quite openly. They wished to avoid isolation and deception of one another and they have been grateful for the letters of the BCC and the WCC.

Four ways to view the conflict

1) **History** : There is a long history to the conflict with a British version and an Argentine version. Argentines (almost unanimously) would claim that Argentina has the right to those islands. Christians should look into the history and also seek the freedom of the Gospel with regard to this. To base the discussion on juridical arguments alone and to fail to observe the larger historical context is to fail to understand the depth of the problem.

2) **What the Argentine people and Churches feel about the islands** : Part of Argentine consciousness is bound up with the islands. This is an old, deeply felt claim. They are part of the integrity of Argentina. This is felt more strongly than is the case with the border dispute, e.g. with Chile. They believe their cause, their claim to the islands, to be right. To say that is not to pass judgment on the methods used or to imply support of the government in taking the islands by force.

The position of the Argentine Protestant Churches has been outlined in the letter from the Consultative Council of Churches in Argentina :

- Justice is on the side of Argentina in reclaiming the islands, a fact recognised by “the highest level of international opinion.”
- The way to a peaceful solution has been destroyed by British prevarication in negotiations and “by the surprise action of the Argentine armed forces.”
- The Argentine Churches have felt a tension between the justice of recovering the islands, which has profound significance in the Latin American struggle for independence, and the vocation of peace in the face of the “unforeseeable consequences of an armed confrontation.”

- There is a need for deeper understanding of the reasons why both governments have acted as they have.

This position is not taken from subservience to the government as the Churches have made criticisms of other aspects of Argentine government policy, e.g. disappearances, the economic policy, the need for a return to democracy. The letter ends with a strong appeal to the British Churches to urge restraint on their government.

The Churches in Argentina have asked their government to seek a peaceful solution and hope that the British government will also do so. Prayers are said for soldiers on both sides of the conflict.

3) **Analysis of what has happened:** This will be important for the future as it seems likely that the reasons given by both governments are not enough to explain what has happened. The reasons are neither adequate nor convincing.

4) **What can be done now?** The Churches in both countries should look at their possibilities and responsibilities and seek to stay in dialogue with each other.

Various conclusions emerge from the conflict.

- 1) The British response did not come as a complete surprise. It fits in with the long pattern of relationships between Argentina and Britain and the USA. When a small country challenges one of the major powers they can expect a violent reaction.
- 2) No small country can effectively challenge a "super power" in the international forum of the UN because the super powers can always exercise their veto in the Security Council. The major powers cannot be found guilty.
- 3) It is wrong to speak of "an unprovoked act of aggression". It was an act of aggression but it was provoked by British intransigence.
- 4) "Aggression does not pay" is a morality imposed upon the non-super powers. It *did* pay in Afghanistan and it always pays if you have enough power to repel those who wish to correct the balance. The criterion seems to be the ability to sustain one's breach of law and order.
- 5) We are told that principles are at stake. But why has Britain only now acted upon principle with such force. What of the aggression of the USSR in Afghanistan, South Africa in Angola and America in Vietnam.
- 6) Negotiations between the South and the North never get resolved to the advantage of the South — e.g. the New International Economic Order, UNCTAD. The Falkland Islands is another example of this. The countries of the South have come to *expect* this kind of delaying tactic to plague the relationships between the developed and the underdeveloped countries. At some point this will erupt into something completely out of control.

Will the Churches affirm and strengthen the ecumenical fellowship and press for fair and peaceful ways of solving international disputes and conflicts of interest?

VIII. 10. REPORT OF MEETING OF ARGENTINE, BRITISH AND IRISH PARTICIPANTS IN THE WCC CENTRAL COMMITTEE, WITH WCC STAFF AND OTHER FRIENDS, TO DISCUSS THE CRISIS IN THEIR COUNTRIES' RELATIONSHIPS BECAUSE OF THE SITUATION IN THE SOUTH ATLANTIC, JULY 1982

It was deeply regretted that :

- a) many years of negotiations between the Argentine and British governments failed to resolve the dispute over the Falkland Islands/Islas Malvinas;
- b) there were wrong perceptions on both sides as to the intentions and expectations of the other party;
- c) armed conflict broke out.

It could not be accepted that this was the only or the best course of action open to our countries for the solution of the conflict.

It was recognised that Christians in Argentina, Britain and Ireland had failed to be sufficiently aware of the potential dangers in the attitudes of the Argentine and British governments to the Falkland Islands/Islas Malvinas problem.

It was acknowledged that there had been failure to use the ecumenical fellowship to counsel together to help avoid the present conflict and to promote a deeper understanding of the issues involved. At the same time, there was reason to be grateful that throughout the conflict frank and open communication had been maintained between Argentine and British churches.

It is incumbent on Christians in Argentina, Britain and Ireland to continue to pray and work for peace and reconciliation and to seek the mind of Christ for the aftermath of the crisis in the South Atlantic. The conviction is shared that the conflict has not resolved the problem which caused it. The deep historical elements which lie behind the conflict, as well as other economic, cultural and geopolitical factors which influence it have not been removed.

The group believed it to be of utmost importance that the conversation between individuals that took place during Central Committee should continue between the churches of Argentina, Britain and Ireland. It believed such conversations could assist the reconciliation of Argentina and Britain and the discovery of a just and peaceful solution to the problem. It is not clear how this can be done, but individual members of the group committed themselves to ask their churches to explore all possible ways of continuing the conversation, calling on the Consultative Council of Churches in Argentina, the British Council of Churches and the World Council of Churches to assist in this undertaking.

Jose Miguez Bonino

Philip Morgan

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- 1978/No. 1 WCC Statements on Disarmament (out of print)
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